

**Minutes 1/2/2014**

**Selectboard Meeting  
January 2, 2014 at 7:00 p.m.  
Jericho Town Hall, 67 Vermont Route 15**

**Members present:** Tim Nulty (Chair), Kim Mercer, Catherine McMains

**Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Richard Kemmer, Matt Thomson, Brian Stevens, Lela McCaffrey, Bob Heiser

The public hearing was called to order by Ms. McMains at 7:05 p.m.

**1. Public Hearing - Proposed Fiscal Year 2015 (FY15) Capital Budget and Five Year Plan.**

Mr. Odit gave an overview of what is proposed, noting the following:

- Funds to paint the trim on the Town Hall;
- Funds to work on the addition to the Library, if voted to continue with the project;
- The Town Hall bond;
- Highways: \$200,000 for paving and \$200,000 for gravel road improvements, noting this is an increase from prior years and discussing the reasoning;
- Funds to update the Public Works Specifications;
- Bridge 17 improvements, noting it is on Browns Trace Road near Ethan Allen. The project should be put out to bid shortly, with construction in the summer, noting some of the funding is from a grant.

Mr. Kemmer asked if it is a complete rebuild. Mr. Odit said the deck will be redone, so the road will be closed for a period of time. He continued the overview as follows:

- Highway and Equipment: proposing replacing a tandem truck with a new one and keeping the old one as a backup and dedicated chloride truck. Also proposing to purchase an excavator for ditch work.

Mr. Kemmer asked if the Town would be able to purchase the truck through the State. Mr. Odit said they are able to use the State contract. Ms. McMains stated the excavator is needed. Mr. Odit agreed, saying the Town spent \$20-30,000 a year to hire an excavator operator. He said now that we have five full-time Highway Department employees, we will be able to do a lot of that work ourselves. He said the proposal includes continued funding for trail improvements at Mobbs and continuing the sidewalk in Jericho Center towards Pratt Road.

Mr. Nulty arrived 7:11 p.m.

Mr. Odit stated the total projected capital budget is \$1,139,648. He discussed the funding sources, which include reserves, operating funds, grants, and fees. He discussed the studies that are currently in process, the transportation study and the Bicycle/Pedestrian Plan. Ms. Mercer asked about the Mobbs fees. Mr. Odit said the Town collects recreation impact fees and that is about the only recreational activity in Town. He stated the funds were already collected. Ms. McMains said it makes sense to use them. She asked if there were any comments from the public regarding the capital budget and there were none.

Ms. McMains closed the public hearing at 7:13 p.m.

Mr. Nulty called the regular Selectboard meeting to order at 7:13 p.m.

50 **2. Public Comment.**  
51 There was none.  
52

53 **3. Receipt of Fiscal Year 2013 (FY13) Audit.**

54 Mr. Odit said the report is final and we will get bound copies in the mail soon. He stated copies of the report  
55 were provided in the Selectboard packets. He introduced Ms. McCaffrey from Fothergill, Segale & Valley who  
56 does the majority of the audit work. Mr. Odit stated the Town ended the year with an increase to the designated  
57 fund balance of \$479,586. He said given the storm work which started in May, there were no significant  
58 increases. He stated there were no significant findings in the audit and the one comment last year about  
59 separating the reporting of benefits was done shortly after the recommendation was made.

60  
61 Ms. McMains thanked Mr. Stevens for all of the extra work he does to make the audit easier. She said it is always  
62 nice to have a clean audit and have more money. Ms. McCaffrey referred to the extraordinary items on page 13  
63 of the report, noting there appears to be a profit from the storm, but the expenses do not include internal labor  
64 and equipment that was used. She stated Generally Accepted Accounting Practices (GAAP) require it to be  
65 shown that way since the Town has to pay for the labor and equipment anyway.

66  
67 Mr. Stevens asked if there is a flood next year too, if it is still considered extraordinary. Ms. McCaffrey said that if  
68 the Federal Emergency Management Agency (FEMA) comes, they consider it extraordinary. Mr. Nulty told Mr.  
69 Stevens he would like to have a philosophical discussion with him about municipal accounting. He discussed his  
70 personal background. Mr. Stevens said page 15 is where it comes together and where the governmental  
71 definitions fall away, showing the Town financials for the year. He said it is the same basic structure as the  
72 budget. Mr. Nulty said he has no problem with the income statement and the cash flows; it's the balance sheet.  
73 Mr. Stevens agreed that sometimes the meaning is a bit obscure. He said a philosophical discussion is a healthy  
74 one. Mr. Nulty said they would continue the discussion at a later time and thanked the Town Administrator also.

75  
76 Mr. Stevens stated that everyone at Fothergill, Segale & Valley are very responsive, informative, and patient. Ms.  
77 McCaffrey said she enjoys coming to a Town that asks questions and wants to understand.

78  
79 On a motion by Ms. Mercer, seconded by Ms. McMains, the **Selectboard acknowledged receipt of the Town's**  
80 **FY13 audit as prepared by Fothergill, Segale and Valley; including the management letter.** The motion passed  
81 3-0.

82  
83 **4. Request to Discuss Sign Regulations - Richard Kemmer.**

84 Mr. Kemmer thanked the Selectboard, noting he has been through so many meetings on this issue. He said he  
85 provided Mr. Odit with some handouts for the Selectboard. He said he wanted to make the Selectboard aware of  
86 what's going on. Mr. Kemmer said he read the minutes and took issue that this is a lost cause or a done deal. He  
87 stated he has submitted a motion for summary judgment to the Superior Court to remand the matter back to the  
88 Development Review Board (DRB) for review, but he is not here to discuss that action. He said he believes they  
89 made a mistake. He noted that he took issue that a letter was sent to the court and not copied to him, but Mr.  
90 Odit has corrected that.

91  
92 Ms. McMains noted the filing was to appoint the Town's contact person. Mr. Odit said that person is Ms. Murray.  
93 Mr. Kemmer said it was a small detail, but all of the information needs to be communicated to all of the  
94 interested parties. He said he is curious why the DRB is not taking a stronger stance on LED lights. He discussed  
95 the jurisdiction related to school signs, noting that other towns feel it is within their purview. Mr. Kemmer also  
96 discussed the DRB's interpretation and questioned whether other parts of the Town's regulations may apply. He  
97 talked about lighting and landscaping, noting that he hoped the matter would come back before the DRB and  
98 that they would take a broader view.  
99

100 Mr. Kemmer stated he has contacted Representative Bill Frank, who has agreed to work on legislation. He said  
101 he also spoke to the originator of original regulation and discussed the reasoning for the wording. Mr. Nulty  
102 discussed ways to write legislation to avoid unintended consequences. Mr. Kemmer noted inconsistencies  
103 between actions taken and documentation for the zoning regulations. Ms. Mercer asked who did the study that  
104 was included in the information he provided. Ms. McMains said it was done by a consultant and the Town was  
105 involved in the study. She noted that the Selectboard never got a formal presentation. The Selectboard  
106 members discussed the study further.

107  
108 Mr. Kemmer discussed guidance available to the DRB, noting information from the Jericho Planning Commission  
109 (JPC) and the Jericho Town Plan. He said the references he provided specifically say no lighted signs, that they  
110 should be prohibited. He read from the report, noting it is something the Town should consider. Mr. Kemmer  
111 read from Section 7.8.7.1 of the zoning regulations. He stated the inconsistency is causing him to spend money  
112 to correct what he thinks are internal problems with the Town. He said the matter is not lost and he may come  
113 back to request a refund of fees in the future.

114  
115 Mr. Kemmer said he would like to be considered in the process if the court remands the matter back to the DRB,  
116 asking who he should discuss that with. He and the Selectboard discussed the jurisdiction and what role, if any  
117 the Selectboard could take. Ms. McMains said the JPC and the DRB used to hold joint meetings to work out  
118 these types of issues. Mr. Odit said he spoke with Ms. Murray and the JPC is awaiting guidance from the court  
119 before acting. Ms. McMains asked what a remand would mean. Mr. Odit said it will depend on what is in the  
120 court's directive. The Selectboard and Mr. Odit discussed the matter further with Mr. Kemmer.

121  
122 Mr. Kemmer said he feels very strongly that the sign would be a step in the wrong direction. He asked if any of  
123 the Selectboard members have driven by Colchester High School (CHS) and they said no. Mr. Kemmer said the  
124 sign at CHS is very bright and is what Mt. Mansfield Union High School (MMU) is planning use. He discussed the  
125 location of the sign. He said the sign specifications say that they can lower the intensity and the timing of  
126 messages. Mr. Kemmer suggested the Selectboard take a look at the sign at CHS and see if that is what they  
127 want in Jericho. He noted he is also taking the issue to the MMU School Board, saying the number of people  
128 who see the sign pales in comparison to those who use the website and social media.

129  
130 Mr. Kemmer discussed the current usage of the MMU message board. He said it is not being used much. He  
131 asked if it justifies spending \$18,000 on something when School Board is struggling to get a budget approved.  
132 Mr. Kemmer said he has made suggestions to the school about how to make the current sign more usable  
133 without spending that kind of money. Ms. McMains noted there are sign requirements on State roads.

134  
135 Mr. Kemmer said if this sign is installed there will be a line of them right into Jericho Center. He asked the  
136 Selectboard to provide some bias to the discussion. He discussed what steps are next in the process and in the  
137 efforts to update the regulations. Mr. Kemmer said State regulation says can only regulate to the effect of not  
138 interfering with the functional use. He read the definition of schools, noting an activities sign did not appear to  
139 be within the scope of a school's primary function. He provided the Selectboard with a copy of the Bill  
140 Representative Bill Frank has composed and will propose during this Legislative session. He thanked the  
141 Selectboard.

142  
143 Mr. Nulty asked when the court will decide. Mr. Kemmer discussed the process and the timing. Ms. Mercer  
144 asked where it currently is in the process. Mr. Kemmer stated he submitted the request around December 21,  
145 2013. Ms. McMains said they typically they try to move pretty quickly. She said this is an opportunity to ask the  
146 JPC and the DRB hold a joint meeting. Mr. Kemmer agreed, noting the unintended consequences are causing me  
147 some difficulty. Mr. Nulty said the Town will hear when the court rules. Mr. Kemmer agreed.  
148

149 **5. Approval of Chittenden Unit for Special Investigations (CUSI) Agreement.**

150 Mr. Odit said CUSI asked the Selectboard to sign the agreement quite a while ago and there has been much  
151 discussion since then. He said the agreement is back for their consideration, noting it goes through FY14. Ms.  
152 McMains said Section 2 has not been updated. Mr. Odit said it was changed in their by-laws. The Selectboard  
153 and Mr. Odit discussed the agreement and how changes to the by-laws are made. The Selectboard discussed  
154 how to proceed.

155  
156 Mr. Nulty suggested calling them to ask the reasoning. Mr. Odit stated this is the original agreement that the  
157 other towns signed and Jericho did not. He said CUSI didn't want to get it resigned by the other towns, but he  
158 would call to confirm that it will change in the next agreement. Ms. McMains noted this agreement ends in  
159 June. Mr. Odit asked for authority to sign the agreement.

160  
161 On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard authorized Mr. Odit to sign the 2011-  
162 2014 CUSI Intergovernmental Agreement provided the reason the Board composition section has not been  
163 updated is due to the mechanics of obtaining everyone's signatures and that the next agreement will include  
164 the information. The motion passed 3-0.

165  
166 **6. Approval of Trail Easement on Lacy/Symington Route 117 Property.**

167 Mr. Odit said the Trails Committee has been working with Bob Heiser from the Vermont Land Trust, the  
168 landowners, and the Town on the agreement. He said we all believe it is final and we can sign off on it. He  
169 recommended the Selectboard approve acceptance of the trail easement and allow him to sign the necessary  
170 documents. The Selectboard and Mr. Odit discussed the document and the location, including nearby land  
171 marks and the proposed parking area. The Selectboard agreed it will be exciting and thanked everyone for all of  
172 their work.

173  
174 On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard accepted the trail easement from  
175 Chuck Lacy and Gaye Symington on their Route 117 property and authorized the Town Administrator to  
176 execute the necessary documents. The motion passed 3-0.

177  
178 Mr. Nulty asked about the timetable for creating a trail. Mr. Heiser stated there is no requirement, noting he  
179 works with the Vermont Land Trust. Mr. Nulty said they will have to talk to the Trails Committee. Ms. McMains  
180 stated they are working on it, but it will take time.

181  
182 **7. Discussion of Draft FY15 Operating Budget.**

183 Mr. Odit distributed a revised draft budget to the Selectboard members. He said total spending is \$3,692,976,  
184 which is an increase of 6% from FY14. He said with the continued use of funds from Town's fund balance, the  
185 amount that needs to be raised by taxes is significantly reduced, but is up \$72,000 or 2.8%. Mr. Odit stated that  
186 with a projected 1% increase in the Grand List, it is possible the tax rate for the budget could decrease or remain  
187 the same; without the county tax. He noted the surplus from FY13 was \$207,000, bringing the accumulated  
188 surplus to \$479,000.

189  
190 Mr. Odit continued discussion of the draft budget, noting the following:

- 191 • Town Treasurer: no changes;
- 192 • Administration: reduced audit costs because of the work Mr. Stevens does; reduced postage and  
193 travel/meetings;
- 194 • Professional Consultants: increase due to the Public Works Specifications update;
- 195 • Town Clerk: increase of 4% due to an extra election;
- 196 • Listers: increase reflecting a discussion of conducting some background work for a reappraisal.
- 197

198 Ms. McMains asked whether the benefits included under salaries are fine for the audit. Mr. Odit said in the chart  
199 of accounts they are broken out, but they are left like this for the budget. He said a lot of his work is to reconcile  
200 the two. He continued discussion of the draft budget, noting the following:

- 201 • Planning and Zoning: decrease in salaries due to fewer hours for the Zoning Administrator;
- 202 • Highways and Bridges: 6% increase in salaries since there is a fifth full-time employee, noting most is in the  
203 benefits; purchase of tandem truck and excavator; increases in gravel and in salt.

204  
205 Mr. Odit stated there have been some discussions about requesting a disaster declaration for the ice storm,  
206 noting that hopefully salt will be included. He said that was most of our cost, outside of time. Ms. Mercer asked  
207 if that is a State action. Mr. Odit discussed the time to submit for reimbursement if a declaration is made. Ms.  
208 Mercer discussed an example. Mr. Odit said if they don't reimburse for salt, we will not submit a request. He  
209 continued discussion of the budget, noting:

- 210 • Road Improvement: paving and gravel road improvements; shows a decrease due to the Skunk Hollow Road  
211 project last year.

212  
213 Mr. Nulty asked about the money for the second round of paving on Skunk Hollow Road. Mr. Odit said part of it  
214 is under paving and part of it is use of reserve funds. Ms. Mercer noted that since Line 113 declined the overall  
215 highway budget shows an increase of 1%, while it is actually around 10%. The Selectboard and Mr. Odit  
216 discussed the highway budget. Mr. Nulty asked about conducting a speed study before the next round of paving  
217 on Skunk Hollow Road. Mr. Odit said we could do one in the spring; it is just a matter of timing. The Selectboard  
218 discussed the impact of the improvements on Skunk Hollow Road.

219  
220 Mr. Odit noted that he obtained an estimate from the paver of what it would cost if the Town installed the speed  
221 tables and decided to remove them up later. Mr. Nulty asked about the cost to install a couple more dividers.

222 The Selectboard and Mr. Odit discussed the possibility of additional splitter islands. The Selectboard discussed  
223 the matter further. Mr. Odit said he has heard from a couple of people about how much quieter it is on the road.

224 Ms. McMains asked how the road crew is finding it for plowing. Mr. Odit said it has been fine. He continued  
225 discussion of the draft budget, noting the following:

- 226 • Recreation: not much change;
- 227 • Police Services: remain the same;
- 228 • Building and Property: reduction in street lights due to installing LED lights.

229  
230 Ms. McMains asked about an e-mail received, noting she does not remember that coming up at Town Meeting.  
231 Mr. Odit said it is something we should consider, but he does not know that it needs to be in the Capital Budget  
232 for next year. He said he does not remember a discussion about installing an alarm at the Town Garage. The  
233 Selectboard and Mr. Odit discussed the matter further, agreeing the costs and benefits should be reviewed.

234  
235 Mr. Odit said the reappraisal and record preservation money movements are shown and a graph of the historical  
236 tax rates is shown at the end. The Selectboard discussed the budget graph. They also discussed signage at  
237 schools in Town.

238  
239 Mr. Odit said earlier this week the Trails Committee asked if there was a way to request funding for some trail  
240 work, in light of the Lacy/Symington trail easement. He said we could provide them with \$5,000 from the  
241 recreation impact fees or from the open space fund with no effect on the tax rate. Mr. Nulty asked if they have  
242 considered how this might connect to other trails. The Selectboard and Mr. Odit discussed the matter further.  
243 The Selectboard agreed, using reserve funds makes sense. Mr. Odit noted the committee could use the \$5,000  
244 as leverage for a grant application. He discussed the next meeting dates with the Selectboard.  
245

246 Ms. McMains said she was told the petition was successful. She asked why the item becomes a Town Warring  
247 item instead of a ballot item. Mr. Odit explained that unless a Town voted to vote public questions by ballot, they  
248 are voted by the floor, unless legislation requires it to be by ballot. The Selectboard discussed the possible  
249 petition further. Mr. Odit said the last day petitions can be filed is the 23<sup>rd</sup>. The Selectboard discussed the  
250 matter further.  
251

252 **8. Approve minutes of ~~12/5/2013~~ and 12/19/2013.**

253 On a **motion** by Ms. Mercer, seconded by Mr. Nulty, **the Selectboard approved the minutes of 12/5/2013 as**  
254 **written.** The motion passed 2-0; Ms. McMains abstained. The Selectboard tabled approval of the minutes of  
255 12/19/2013.  
256

257 **9. Other Business.**

258 Mr. Odit gave the Selectboard members a list of committee positions. He asked them how they would like to  
259 proceed this year. The Selectboard discussed and Mr. Odit discussed the matter. The Selectboard agreed to  
260 interview candidates for the open DRB and JPC positions and starting the interview process earlier this year. Mr.  
261 Odit explained the question's on the list are people who hold positions currently whom he has not heard back  
262 from and the no's mean the people do not want to be reappointed. The Selectboard and Mr. Odit discussed the  
263 Trails Committee composition. Mr. Odit noted that the committee is trying to reduce the number of members.  
264 Mr. Odit clarified which positions should be advertised.  
265

266 **10. Approve Warrants of ~~12/27/2013~~.**

267 The Selectboard members present signed the warrants.  
268

269 On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard entered Executive Session at 8:40 p.m.**  
270 The motion passed 3-0.  
271

272 On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard exited Executive Session at 8:55 p.m.**  
273 The motion passed 3-0.  
274

275 On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard adjourned at 8:58 p.m.** The motion  
276 passed 3-0.  
277

278 Respectfully Submitted,  
279 Amy Richardson

**Minutes 1/29/2014**

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**Selectboard Meeting  
January 29, 2014 at 7:00 p.m.  
Jericho Town Hall, 67 Vermont Route 15**

**Members present:** Catherine McMains (Chair), Kim Mercer, Tim Nulty

**Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Bert Lindholm, Andrew Albright, Michele Morris

The public hearing was called to order by Ms. McMains at 7:08 p.m.

**1. Public Comment.**

There was none.

**2. Update on CSWD Consolidated Waste Collection Study - Bert Lindholm.**

Mr. Lindholm introduced Michele Morris, a resident of Jericho and an employee at Chittenden Solid Waste District (CSWD). He said CSWD started over a year ago evaluating consolidation of residential trash and recycling routes. He distributed reports to the Selectboard members. Mr. Lindholm provided an overview of what has been done, the current status, and plans for the future, noting the following:

- Consolidated collection has four major benefits: reduce costs, reduce environmental and infrastructure impacts, increase level of recycling, and increase diversion;
- The Legislature approved Act 148, which means one big change between now and 2020, separating food waste;
- There are ten haulers in Chittenden County that residents can call, each are licensed by CSWD;
- Concerns raised when the study began were: that smaller haulers wouldn't be able to compete; that there would be no customer choice; that haulers would like drop off centers eliminated; that residential haulers might lose business or contracts; and that government should not interfere with private enterprise;
- The CSWD Board reviewed the information in December and asked if the staff should continue to study a legal way to go forward and what the process would be; staff is working on a recommendation;
- A study committee will be formed to make recommendations, which the Board will consider;
- Timeline: between now and spring 2015 is to get answers and direction;

Mr. Lindholm stated that one question Mr. Nulty asked was whether Jericho could go alone, noting the answer is yes. He discussed what nearby towns do. He noted that there are two small haulers who live in Jericho and the question remains as to how they would be treated. Ms. Morris discussed programs in other Chittenden County towns. Mr. Lindholm discussed the use of trucks. Ms. McMains said the real issue is the small haulers.

Mr. Lindholm discussed involvement of the haulers in the process, noting the Board wants to keep the small haulers and the reasons why. Ms. McMains noted it is a very important service for seniors. Ms. Morris clarified that if the process works its way through, the earliest that notice would be given would be in 2016, not implementation. She stated there are several decision points and opportunities for stakeholders to give input along the way. She discussed the reasoning and how Jericho could approach the issue, implementing service level requirements for its community.

Mr. Lindholm noted a firm was hired to look at four or five ways to implement consolidation and the costs. He discussed the options that were considered, noting with residential there would be about a 15-20% reduction to homeowners with consolidation. He noted the benefit in Westford is that the cost is built into their property tax

50 bill, which has a tax benefit for the residents. Ms. Mercer said she misunderstood how it might work, thinking  
51 CSWD was going to get into the hauling business. Ms. Morris said definitely not. Ms. Mercer said if the goal is  
52 to reduce cost and environmental impact, you could have towns choose haulers. Ms. Morris agreed, noting  
53 there are gains in efficiency anytime you get density. She discussed various approaches, noting it is not an  
54 efficient system.

55  
56 Ms. Mercer said Vermont is pretty spread out. Ms. Morris agreed, noting that other areas are also. She said  
57 they would love to see Burlington do a pilot program and see how that goes. Ms. Mercer asked whether trucks  
58 for organics would be separate. Ms. Morris stated there is someone in Brattleboro collecting all three with one  
59 truck. Mr. Lindholm noted that everyone has to collect organics by 2020. Ms. Mercer clarified collection starts  
60 earlier. Ms. Morris agreed, discussed the timing and the phasing of implementation.

61  
62 Ms. Mercer noted she works for Highfields Center for Composting and there has been some coordination with  
63 CSWD on some smaller projects. She said if there is a role they can play to let her know. She noted they have a  
64 pretty successful route in the Northeast Kingdom picking up organics. Ms. McMains stated the business will  
65 grow when residents are added. Ms. Mercer said it is messy and everyone has a different idea and different  
66 guidelines. Ms. Morris stated the hope is that Act 148 will standardize some of that, which is the intent. She  
67 discussed steps taken so far. The Selectboard and Ms. Morris discussed the matter further.

68  
69 Mr. Lindholm stated Chittenden County is 90% of the way there, while other districts are way behind and will  
70 have a hard time implementing the changes. Ms. Mercer said education is needed too. Mr. Lindholm discussed  
71 efforts in Chittenden County already taken with respect to organics collection and composting. He stated CSWD  
72 will be back in the composting business in the spring. Ms. McMains noted that more residents are starting with  
73 organics now too.

74  
75 Ms. Morris said with regard to consolidated collection, as the Town considers the matter she is happy to be a  
76 resource. She discussed her role and said they want to make sure it is on the Selectboard's radar as something  
77 to consider going forward. Ms. McMains asked about the timeline for the Town. Ms. Morris said the important  
78 thing will be to give the haulers adequate notice, noting that other municipalities have given three to seven  
79 years notice and CSWD is in the five year range.

80  
81 Mr. Lindholm suggested taking a straw vote at Town Meeting to get a sense from the residents. Ms. Morris  
82 suggested providing an informational meeting or a display at Town Meeting. Ms. McMains said it is too soon for  
83 this year, but perhaps next year. She suggested partnering with the Energy Task Force (ETF). The Selectboard  
84 thanked Mr. Lindholm and Ms. Morris for the update, noting there is a lot of work involved in this process. Mr.  
85 Lindholm said it is not an easy thing. He discussed information collected and the process of distributing routes.

### 86 87 **3. Discussion of Tax Stabilization Contracts for Alternate Energy Facilities.**

88 Mr. Odit said this item is related to the warning for Town Meeting. He said it could be rendered moot by the  
89 legislature. He stated there is one solar facility in Town subject to municipal taxes and new state education tax  
90 for solar facilities. The Selectboard and Mr. Odit discussed the matter. Mr. Odit discussed systems that are  
91 exempt and taxable. He said there is only one that we are aware of that would be subject to tax. Ms. McMains  
92 questioned how cost effective the systems are. Mr. Odit agreed, noting we can't single out a single form of  
93 energy. He said if the Town did nothing, whatever systems are eligible for State tax would be subject to  
94 municipal tax also. He stated the safe route would be to ask the voters to allow the Selectboard to enter into tax  
95 stabilization contracts.

96  
97 Mr. Odit said they are in the process of determining a value for the system that is over 10 kilowatts, noting he  
98 does not know what the tax would be. He recommended asking voters for the authority to enter into tax  
99 stabilization contracts, noting they could be exempted later if appropriate. He said the Legislature may raise the



100 amount. The Selectboard and Mr. Odit discussed the system that is involved and the implications. Ms. McMains  
101 said right now it is just solar, but they are looking at taxing other forms. Mr. Odit discussed the forms of energy  
102 that are subject to taxation. Ms. McMains noted it is a generating capacity tax as opposed to a land tax. Mr. Odit  
103 said it is an income approach based on revenues generated. He said the State issued guidance on how to value  
104 solar facilities. The Selectboard and Mr. Odit discussed the matter further.

105  
106 Mr. Odit said just because the Selectboard has authorization doesn't mean it has to enter into any contracts. Ms.  
107 Mercer asked for some real numbers. Mr. Odit stated the amount is unknown right now. Mr. Odit and the  
108 Selectboard discussed a hypothetical example. They discussed the matter further, including the impact on  
109 property values. Ms. McMains said the legislators were talking about encouraging these kinds of things. She  
110 asked if they put it on next year's ballot whether someone would be hurt in the meantime. Mr. Odit and the  
111 Selectboard members discussed the implications of delaying action. The Selectboard discussed the matter  
112 further with Mr. Odit, agreeing if there is a special election that it could be addressed at that time.

113  
114 Ms. Mercer asked Mr. Odit what brought this to his attention. Mr. Odit said the change in the law and a letter  
115 from an attorney hoping for an exemption. He said estimated the value that could be placed on such a system,  
116 assuming the State doesn't exempt this site. Ms. Mercer asked to see the letter. Ms. McMains said the State will  
117 need to make a determination, based on their alternative energy plan.

118  
119 **4. Review of New Drug/Alcohol Policy for Town CDL Drivers.**

120 Mr. Odit said the Vermont League of Cities and Towns (VLCT) provided a model policy. He discussed the choices  
121 the Town has in tailoring the policy to Jericho. He said staff recommends a zero tolerance policy. The  
122 Selectboard discussed the matter. Ms. McMains asked why VLCT considers that the Town has potential  
123 liabilities for claims of discrimination. Mr. Odit discussed an example. The Selectboard and Mr. Odit discussed  
124 the matter further, including when the testing occurs.

125  
126 Mr. Odit agreed to discuss with VLCT about the possibility of one chance. Ms. Mercer agreed, noting there  
127 would need to be clear direction given to the employee at that time and it would need to be documented. Ms.  
128 McMains said there are very strict requirements and testing. Mr. Odit discussed liability issues. The Selectboard  
129 and Mr. Odit discussed the matter further, including a possible scenario. Mr. Odit agreed to follow up with VLCT  
130 and the Town's attorney.

131  
132 **5. Preview Amendment to Winter Parking Ban Ordinance.**

133 Mr. Odit stated the current ordinance has specific limits on what can be charged for storage and towing, noting  
134 these amounts change annually. He suggested removing the reference to specific amounts, replacing them with  
135 an amount established by the Selectboard as needed. Ms. McMains agreed that makes sense, noting the policy  
136 is outdated. Mr. Odit noted that the last paragraph allows anyone aggrieved by a violation, fine, or ticket to  
137 appeal. He said the Town does not levee a fine or produce a ticket; just a fee for being towed that cannot be  
138 appealed. He said the Town attorney reviewed the paragraph and agrees that it is not needed. The Selectboard  
139 and Mr. Odit discussed the ordinance further.

140  
141 On a motion by Ms. Mercer, seconded by Ms. McMains, **the Selectboard directed staff to proceed with**  
142 **amendment of the winter parking ordinance as presented by Town Administrator.** The motion passed 2-0.

143  
144 **6. Town Road and Bridge Standards Certificate of Compliance.**

145 Mr. Odit stated the Town adopted the latest Road and Bridge Standards, which require us to certify every year  
146 that we are still complying with the best of our abilities. He said there are areas where we can improve, which is  
147 the reason for the increase in the budget. Ms. McMains agreed, discussing an example. Mr. Odit discussed  
148 another example. Ms. Mercer asked whether the standards are from vTrans. Mr. Odit said yes. The Selectboard  
149 and Mr. Odit discussed the standards further.

On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard certified compliance with the Town Road and Bridge Standards adopted by this Selectboard on February 21, 2013. The motion passed 2-0.

Mr. Nulty jointed the meeting by telephone at 8:08 p.m.

**7. Adoption of Fiscal Year 2015 (FY15) General Operating Budget.**

On a motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard adopted the proposed FY15 Operating Budget of \$3,697,976, of which \$2,599,304 will be raised by taxes. The motion passed 3-0.

**8. Adoption of Fiscal Year 2015 (FY15) Capital Budget.**

On a motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard adopted the proposed FY15 Capital Budget of \$1,139,648. The motion passed 3-0.

**9. Warn March 2014 Annual Town Meeting.**

Mr. Odit stated a petition was filed with the Town Clerk which is required to be included on the Warning. He said the item would be for voting by Australian ballot whether the voters will approve an increase in the number of selectpersons from three to five. Mr. Nulty clarified the ballot wording. Mr. Odit stated the Town's attorney said that is not permissible. Mr. Nulty said we could have a situation where we have a legal Selectboard of five, without five members. Ms. McMains agreed.

Mr. Odit said he got opinions from the VLCT and the Town's attorney, and both agreed. Mr. Odit and the Selectboard members discussed the articles in the Warning. Ms. McMains said the Selectboard should start putting together informational sheets. Mr. Odit agreed, suggesting they should start with the increase in the number of members because absentee balloting will start soon. The Selectboard discussed what information should be distributed and how. Mr. Odit noted he will prepare a "FAQ" which includes special articles. He said he would include a discussion on the next agenda. The Selectboard agreed. They discussed the Warning further.

On a motion by Ms. Mercer, seconded by Mr. Nulty, the Selectboard approved the Warning for Town Meeting and all the articles contained therein as amended, in Article VI (changing "includes" to "is") and deleting Article V, which will be held on Tuesday, March 4, 2014. The motion passed 3-0.

Mr. Nulty said he wants the Selectboard petition discussion on the next agenda. The Selectboard and Mr. Nulty discussed how to proceed with the item. Mr. Odit stated we will need to have a public hearing on the question within ten days preceding the meeting. The Selectboard and Mr. Odit discussed the meeting schedule.

Mr. Nulty left the meeting at 8:24 p.m.

**10. Approve minutes of 12/19/2013 and 1/2/2014.**

On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard approved the minutes of 12/19/2013 as amended. The motion passed 2-0. On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard approved the minutes of 1/2/2014 as written. The motion passed 2-0.

**11. Other Business.**

Mr. Odit said since the last meeting, he spoke with Chittenden Unit for Special Investigations (CUSI) and confirmed what we surmised had happened. He said he noted it on the signature page and the changes will be reflected in the next agreement. He said she hadn't realized it and appreciated that we are interested. Mr. Odit stated they will make sure the next version has the language discussed.

**12. Approve Warrants.**

The Selectboard members present signed the warrants.

200 On a **motion** by Ms. Mercer, seconded by Ms. McMains, **the Selectboard entered Executive Session at 8:30 p.m.**  
201 The motion passed 2-0.  
202  
203 On a **motion** by Ms. Mercer, seconded by Ms. McMains, **the Selectboard exited Executive Session at 8:50 p.m.**  
204 The motion passed 2-0.  
205  
206 On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard approved the proposed hourly increase  
207 for Doug Siple, effective February 3, 2014. The motion passed 2-0.  
208  
209 On a **motion** by Ms. Mercer, seconded by Ms. McMains, **the Selectboard adjourned at 8:52 p.m.** The motion  
210 passed 2-0.  
211  
212 Respectfully Submitted,  
213 Amy Richardson

**Minutes 2/6/2014**

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**Selectboard Meeting  
February 6, 2014 at 7:00 p.m.  
Jericho Town Hall, 67 Vermont Route 15**

**Members present:** Tim Nulty (Chair), Catherine McMains, Kim Mercer

**Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Phyl Newbeck, Stuart Alexander, Peter Booth, John Willard, Livy Strong

The public hearing was called to order by Mr. Nulty at 7:05 p.m.

**1. Public Comment.**  
There was none.

**2. Planning Commission Candidate Interviews.**

The Selectboard members interviewed the following candidates for the Planning Commission:

- Phyl Newbeck;
- Stuart Alexander; and
- John Willard.

The Selectboard thanked all three for their service to the Town.

**3. Warn Public Informational Hearing on Question of Whether or Not to Increase the Number of Selectboard Members from Three to Five.**

Mr. Odit said with the timing required for notice and holding the meeting, the two dates available are February 25<sup>th</sup> and 26<sup>th</sup>. The Selectboard members discussed availability for the meeting.

On a motion by Ms. Mercer, seconded by Ms. McMains, the Selectboard warned a public informational hearing for 7:00 p.m. on February 26, 2014 for the purpose of answering questions regarding the question to increase the number of Selectboard members. The motion passed 3-0.

**4. Discussion of Letter from Underhill Regarding the Plowing of Mills Riverside Park.**

Mr. Odit said Ms. Strong is here to discuss the letter from Underhill saying that they no longer want to rotate years plowing the park, noting she is meeting with the Underhill Selectboard on February 13<sup>th</sup>. He said although it is not Jericho's year to plow the park, Doug doesn't feel it is a burden on our operations whatsoever. He noted that it would be tricky if Underhill is saying they no longer want to do it and we would need to figure out some arrangement. Mr. Odit discussed some possibilities.

Mr. Nulty asked about Underhill's relationship to the park. Ms. Strong answered that it is the same as Jericho's. She said it is one resource that is shared by both towns, noting the budget is split 60/40 between the two towns. She discussed the history of how the towns have shared the cost of plowing and the cost to contract the work out. The Selectboard, Mr. Odit and Ms. Strong discussed possible solutions going forward.

Ms. Strong said the agreement when the park was formed was that the towns would split the cost 60/40 and alternate years plowing. The Selectboard and Ms. Strong discussed the cost of plowing and possible cost sharing arrangements. Ms. Mercer asked if there is a contract for the plowing. Ms. Strong said no, that there was a verbal agreement made with both Selectboards at that time, noting that Underhill was the first to agree to the arrangement.

51 Ms. Mercer said she did not understand the concerns expressed in the letter. Mr. Odit said that is why Ms.  
52 Strong asked to meet with the Selectboard. He said the letter was received without any notification. He stated  
53 Ms. Strong will meet with Underhill to find out what their thinking is and whether they have made the decision  
54 already. Mr. Odit said this discussion was to let Ms. Strong know what our position and thoughts are on how to  
55 make it fair. The Selectboard discussed the matter further.

56  
57 Mr. Nulty stated we are willing to be flexible and to find a solution. Ms. Strong said she would meet with  
58 Underhill and let Mr. Odit know what happens. She said she would try to get clarification. Ms. McMains asked if  
59 the park was plowed after the storm this week. Ms. Strong said yes. The Selectboard thanked Ms. Strong. The  
60 Selectboard and Ms. Strong discussed some other possibilities going forward.

61  
62 **5. Approve Certificate of Highway Mileage.**

63 Ms. McMains noted the mileage did not change. Mr. Odit agreed. The Selectboard and Mr. Odit discussed the  
64 Certificate of Highway Mileage. Mr. Nulty asked if Skunk Hollow Road remains a Class II road. Mr. Odit said it  
65 did.

66  
67 On a motion by Ms. McMains, seconded by Ms. Mercer, the Selectboard approved the Town's Certificate of  
68 Highway Mileage for the year ending February 10, 2014 and filing the same with the Town Clerk and the  
69 Vermont Agency of Transportation. The motion passed 3-0.  
70

71 **6. Selectboard Discussion on Issue of Whether or Not to Increase the Number of Selectboard Members from**  
72 **Three to Five.**

73 Mr. Odit said absentee balloting starts next Tuesday, February 12<sup>th</sup>. Ms. McMains said we will have to have  
74 information organized by then and we will have a public hearing so that people can ask questions. Mr. Nulty  
75 asked what the proper way to express the individual opinions of Selectboard members would be. Mr. Odit  
76 discussed possible ways to proceed. The Selectboard discussed what information should be distributed in an  
77 information sheet.  
78

79 Mr. Booth respectfully asked who cares what the Selectboard's opinion is regarding the petition. Ms. Mercer  
80 agreed, noting they have an opinion because they function within it and a change would affect the functionality.  
81 She discussed an example, noting that the implications aren't considered in the petition. Mr. Nulty discussed  
82 some of the public perceptions expressed to him and his responses. He discussed his personal experience  
83 dealing with several Selectboards across the state, noting there is an inverse correlation between the number of  
84 members and its effectiveness. Ms. Mercer discussed an example, noting how long meetings can be with a  
85 larger board.  
86

87 Mr. Nulty stated that under Vermont's open meeting laws the current Selectboard cannot discuss substantive  
88 matters privately, so everything is discussed openly. He said with five people, any two members can discuss  
89 matters outside of public meetings. He said he does not think that very many people appreciate that and realize  
90 that they will be changing the fundamental structure of how the Selectboard functions. The Selectboard  
91 discussed examples of how a larger board would function.  
92

93 Ms. McMains noted there have been a lot of open positions in the Town. She said if there are lengthy meetings,  
94 less people will run for the positions. She said it is important to make sure people understand their choice. Ms.  
95 Mercer noted the members are not of one voice on this matter and that is why they are discussing how they  
96 should move forward. She noted that she sees some benefits to a larger board. Ms. McMains noted the  
97 downside is that three members is a quorum for a five member board.  
98

99 Mr. Nulty stated the Town has had a three person Selectboard since 1791. He wondered if there is a perception  
100 in Town that this isn't working. He said the petition gives no reason, other than that other towns in Chittenden

101 County have larger Selectboards. He said he feels pretty strongly that these were not points made in the  
102 petition. Mr. Nulty said the Selectboard chose not to get involved with the petition because it was brought by a  
103 member of the community. He said it is now on the agenda and he thinks it is incumbent upon us to spell out  
104 what we think are serious issues. He stated he has no problem with a debate, but the issues raised are not out  
105 there.

106  
107 Mr. Booth asked why the members cannot raise the issues individually. He discussed the perception if  
108 information comes out collectively. Ms. Mercer agreed and asked if the Selectboard had answered his question.  
109 Mr. Booth said he does not agree. He said when he saw the agenda he wondered why the Selectboard is taking  
110 a position. He discussed an example. The Selectboard and Mr. Booth discussed the example further.

111  
112 Ms. Mercer agreed with Mr. Booth, stating that she does not think it should be an official thing. She stated she  
113 does not have the same point of view as the other members. Ms. McMains said she thinks the Selectboard  
114 needs to provide information. Mr. Booth said a campaign against this petition is not the right thing. The  
115 Selectboard discussed the matter further.

116  
117 Ms. Mercer asked whether there are usually hearings about things on the ballot. Mr. Odit discussed the  
118 procedural requirements. The Selectboard and Mr. Odit discussed the public hearing. Mr. Odit suggested  
119 putting together a fact sheet to inform voters, noting some items that could possibly be included. The  
120 Selectboard and Mr. Odit discussed the matter further. The Selectboard agreed to put out a fact sheet on the  
121 matter.

122  
123 **7. Approve Warrants of 2/7/2014.**

124 The Selectboard members present signed the warrants.

125  
126 On a **motion** by Ms. Mercer, seconded by Ms. McMains, **the Selectboard adjourned at 8:15 p.m.** The motion  
127 passed 3-0.

128  
129 Respectfully Submitted,  
130 Amy Richardson

Minutes 2/20/2014

Selectboard Meeting  
February 20, 2014 at 7:00 p.m.  
Jericho Town Hall, 67 Vermont Route 15

**Members present:** Tim Nulty (Chair), Catherine McMains

**Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Martin Fisher, Robert Dasaro, Peter Davis, Stephanie Hamilton, Joe Flynn, Betty Koshinsky

The public hearing was called to order by Mr. Nulty at 7:06 p.m.

**1. Public Comment.**

Mr. Fisher asked for an update on the Rivers' property. Mr. Nulty stated they posted an update on the website a week ago, noting they made agreement with the Underhill-Jericho Fire Department (UJFD) that they would not post on Front Porch Forum. Mr. Fisher asked if the negotiations are over. Mr. Nulty said no, they are not over. He said they have issued a joint statement after each meeting. He discussed the meetings held to date. Mr. Nulty said that subsequent to the last meeting the appraisals have been received, so they would be meeting again soon. He told Mr. Fisher the updates are available on the Town's website.

Mr. Fisher stated he had hoped to have statistics, but he doesn't. He said there appears to be an increase in crime or break-ins in Jericho. He noted there have been a number of postings on Front Porch Forum. Mr. Fisher asked if the Town of Jericho has ever considered having its own police force. Mr. Nulty said the Town has considered it from time to time, but they are generally not in favor. He discussed the reasoning and noted the costs involved. Ms. McMains said small police forces generally rely on the Vermont State Police (VSP) anyway.

Mr. Nulty clarified there seems to be a few questions: 1) Is it true; 2) Is there a sense that VSP is not doing their job adequately; and 3) If the answer to both of those questions is yes, then what can we realistically do about it. Mr. Fisher agreed. He said the Sheriff's Department seems to be focused on speeding. The Selectboard members explained the duties for the Chittenden County Sheriff's versus the VSP. Mr. Fisher said VSP only responds; they rarely patrol our street and we rarely see them in Town. Mr. Nulty said he didn't realize there is a perception of increased crime. He noted the Town had one several years ago and he discussed VSP's response. Mr. Fisher and Mr. Nulty discussed police coverage further. The Selectboard acknowledged the concerns raised and agreed to look into the matter.

Ms. Koshinsky discussed a recent armed standoff in her neighborhood. She said it is pretty scary and it would be great to have more information about the situation. She discussed stories she has heard regarding recent criminal activity in the area. Mr. Nulty stated the Town would look into it immediately. Ms. Koshinsky asked how they can find out more information. Mr. Fisher suggested contacting the VSP. Mr. Nulty agreed. He discussed a previous spike in criminal activity and the outcome. He acknowledged the concerns are legitimate and said they would look into it immediately. The Selectboard and Ms. Koshinsky discussed how the information would be communicated.

Mr. Dasaro noted additional police coverage provide by Essex right near the Jericho/Essex town line. Mr. Nulty said they are generally looking for speeders. Mr. Dasaro said they help people living in that area and slows traffic down, which is a good thing. Mr. Fisher stated that is not the crime they are talking about. Mr. Nulty noted it is an additional presence. He stated coverage is extremely expensive. He discussed the approach to coverage in Town and the reasoning. The Selectboard agreed to look into the matter further.

51 **2. Mobbs Committee Candidate Interviews.**

52 The Selectboard members interviewed Pete Davis, a candidate for the Mobbs Committee. They welcomed Mr.  
53 Davis back to the committee.  
54

55 **3. Development Review Board (DRB) Candidate Interviews.**

56 Ms. McMains clarified that there are two openings and one alternate position, noting that one opening is for a  
57 three year term and one opening is for an unexpired term. Mr. Odit noted that one of the current members has  
58 asked to be appointed as an alternate. The Selectboard clarified the current openings on the DRB with Mr. Odit.  
59 Mr. Nulty explained the differences in roles between the DRB, the Planning Commission, and the Selectboard.  
60 Ms. McMains also discussed the differences and how committee members move from one to another within the  
61 Town.  
62

63 The Selectboard members interviewed the following candidates for the Development Review Board:

- 64
  - Stephanie Hamilton;
  - 65 • Joe Flynn; and
  - 66 • Bob Dasaro.  
67

68 The Selectboard noted that the Town is very lucky to have such experienced people volunteering to serve.  
69

70 **4. Adopt Amendments to the Winter Parking Ordinance.**

71 Mr. Odit-previewed last time - this is just adopting them  
72 Ms. McMains-how long does it happen

73 Mr. Odit-discussed how often towing occurs; this year we were able to utilize a local hauler, more convenient -  
74 real issue is having the price set in the ordinance

75 Ms. McMains-because we will set this annually, how will people know

76 Mr. Odit-we can put it on the website - at the beginning of the season did some postings on FPF - usually give  
77 them 24 hour notice, unless an emergency - discussed standard practices - the Town doesn't get anything from it  
78

79 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard adopted the proposed changes to the  
80 winter parking ordinance. The motion passed 2-0.  
81

82 **5. Approve Transfer to Road Upgrade Reserve Fund.**

83 Mr. Odit said at the time the Skunk Hollow Road project was done, we transferred funds from the Road Upgrade  
84 Reserve Fund to the General Fund while waiting to receive the grant funding. He stated the Capital Budget calls  
85 for using \$25,000 in reserve funds for the project. He said the Town has received the grant funds, so we should  
86 transfer the money back.  
87

88 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard authorized the transfer of \$145,941  
89 from the General Fund to the Road Upgrade Reserve Fund. The motion passed 2-0.  
90

91 **6. Approve Appointments for 2014.**

92 The Selectboard discussed appointments.  
93

94 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard confirmed the 2014 appointments as  
95 follows:

- 96
  - Ed Styles as Animal Control Officer for a 1-year term;
  - 97 • Paul Luciano as Health Officer for a 1-year term;
  - 98 • Paul Luciano as Emergency Management Coordinator for a 1-year term;
  - 99 • Louise Rosales as Service Officer for a 1-year term;



- 100 • Don Tobi as Tree Warden for a 1-year term;  
101 • Sandra Costes, Lori Dykema, and Andrew Levi as Listers, each for a 1-year term;  
102 • Pete Davis as a member of the Mobbs Committee for a 3-year term;  
103 • Ann Kroll-Lerner, Phyllis Gray, and Karina Dailey as members of the Conservation Commission, each for a 3-  
104 year term;  
105 • Joe Flynn as a member of the Development Review Board (DRB) for an unexpired term;  
106 • Stephanie Hamilton as a member of the DRB for a 3-year term;  
107 • Jon Willard and Phyl Newbeck as members of the Planning Commission, each for a 3-year term;  
108 • Patrice Dezon-Gaillard and Helena Gardner as members of the Trails Committee, each for a 3-year term; and  
109 • Bob Dasaro and Kevin Spensley as alternate members of the DRB, each for a 3-year term.  
110 The motion passed 2-0.  
111

112 Ms. McMains asked that all applicants receive a letter. Mr. Odit agreed that they would.  
113

114 **7. Approve minutes of 1/29/2014 and 2/6/2014.**

115 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard approved the minutes of 1/29/2014 and  
116 2/6/2014 as amended. The motion passed 2-0.  
117

118 **8. Other Business.**

119 Ms. McMains asked Mr. Odit if he received a response from Ms. Strong. Mr. Odit said yes, Underhill has decided  
120 they are not going to plow the park any more. He said Jericho is committed to do it next year, so we can take the  
121 time to figure out a solution. The Selectboard and Mr. Odit discussed possible solutions. The Selectboard  
122 discussed the matter further.  
123

124 Ms. McMains said the Board Development Committee of the Regional Planning Commission (RPC) met recently  
125 to update the by-laws. She said they are going to the full Board of Commissioners in March and then they will  
126 need to be ratified by all of the towns. The Selectboard discussed the changes to the by-laws.  
127

128 Mr. Odit distributed the budget binders to the Selectboard. He explained the organization, noting there was a  
129 slightly different approach this year. Ms. McMains asked why UJFD was not included under outside agencies.

130 Mr. Odit said the information from the outside agencies was abbreviated in the Town Report, referring to the full  
131 reports. He stated all of the UJFD information will be in the Town Report. The Selectboard and Mr. Odit  
132 discussed the approach to the Town Meeting discussion.  
133

134 Mr. Nulty noted he has a preview meeting with a reporter tomorrow. He discussed what information they will be  
135 talking about. He said he would include his personal opinions, making it clear they are his opinions. The  
136 Selectboard and Mr. Odit discussed the matter further.  
137

138 Mr. Odit asked about holding a planning session before Town Meeting. The Selectboard agreed they would like a  
139 planning session and asked Mr. Odit to schedule it at a mutually convenient time.  
140

141 **9. Approve Warrants of 2/21/2014.**

142 The Selectboard members present signed the warrants.  
143

144 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard entered Executive Session at 8:25 p.m. to  
145 discuss a pending real estate transaction the premature disclosure of which may prejudice the town. The  
146 motion passed 2-0.  
147

148 On a **motion** by Ms. McMains, seconded by Mr. Nulty, the Selectboard exited Executive Session at 8:55 p.m.  
149 The motion passed 2-0.  
150 On a **motion** by Ms. McMains, seconded by Mr. Nulty, the Selectboard adjourned at 8:55 p.m. The motion  
151 passed 2-0.  
152  
153 Respectfully Submitted,  
154 Amy Richardson

1 **Minutes 2/26/2014**

2  
3 **Public Hearing**  
4 **February 26, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**

6  
7 **Members present:** Catherine McMains (Acting Chair), Kim Mercer (via phone)

8  
9 **Others present:** Todd Odit (Town Administrator), Don Messier, Henry Rackliff, Debbie Rackliff, Bob Broughton,  
10 Barbara Broughton, Bert Lindholm, D. Keiko Williams, Glenn Martin, Andrew Albright, Beverly Paradee, Jerry  
11 Russin, Peter Booth, Kristen Villeneuve, David Villeneuve

12  
13 The public hearing was called to order by Ms. McMains at 7:00 p.m.

14  
15 **1. Public Informational Hearing to discuss the following Town Meeting article: Shall the voters increase the**  
16 **number of Selectpersons from three to five, with each of the two new positions being established with**  
17 **two year terms.**  
18

19 Ms. McMains explained the reason for the hearing, noting that the ballot item is a result of a petition filed with  
20 the Town. She discussed the reasons the other members of the Selectboard were not in attendance. Mr.  
21 Messier asked about making a presentation. Ms. McMains said there would be no presentations; the meeting is  
22 for informational purposes. She explained that if the ballot item is passed, the Selectboard immediately  
23 becomes a five member Board and there is a process to add two new members.  
24

25 Ms. Mercer suggested going over the fact sheet to provide additional information. Mr. Odit said the fact sheet  
26 was not available since the location is a polling place. Ms. McMains agreed, noting it could probably be reviewed  
27 since no one is voting at this time. Mr. Messier asked why the information he provided for distribution was not  
28 shared. Ms. McMains stated this hearing was the appropriate time to share that information. She clarified what  
29 information he was referring to. Mr. Messier explained what information he was referring to and when it was  
30 provided to the Selectboard. He said his understanding was that the Selectboard was not going to take a stand  
31 on the matter, but he read an article where the Chair made statements about his position.  
32

33 Ms. McMains explained that Mr. Nulvy is out of the country and could not attend the meeting tonight due to the  
34 time difference. She said his statements were as an individual, noting the Selectboard is not advocating for a  
35 position together. She discussed the reasons for this approach. Ms. Mercer clarified that she does not have a  
36 strong position, saying that she sees that there are pros and cons to this. Mr. Messier asked Ms. Mercer if she  
37 recalled telling him last fall that she supported a five member Selectboard. Ms. Mercer said she didn't recall  
38 saying that specifically, but she does not have a strong opinion either way.  
39

40 Mr. Albright asked if there was anyone present who wanted to make a presentation as to why we shouldn't  
41 approve this. He suggested that if there was not, that Mr. Messier's presentation in favor would be out of line.  
42 Mr. Messier referred to a Front Porch Forum posting. Ms. McMains noted the reasons why discussing that in this  
43 hearing is inappropriate. Mr. Messier discussed the posting and the reason he felt it was important. Ms.  
44 McMains explained this hearing is just informational, not advocacy.  
45

46 Mr. Booth asked what the warned purpose of this hearing is. Mr. Odit explained the reason for the hearing and  
47 why it is different from traditional public hearings on ballot items. He discussed what types of questions are  
48 germane. Mr. Messier said the Selectboard could have, without the petition, decided to make this a ballot item.  
49 He stated the petition that was circulated wasn't for or against, it simply asked to allow the voters to decide. Ms.  
50 McMains said that is what we are doing.

Approved 3-18-14

Mr. Messier reiterated that the Selectboard could have put the matter to a vote. He discussed his efforts to obtain signatures on the petition and the reasons. Ms. McMains reiterated that the ballot item was not raised by the Town, but rather by Mr. Messier as an individual citizen. She said the voters will get to decide the matter.

Mr. Booth asked Mr. Messier why the Selectboard would raise the issue if they were not all in favor of it. Mr. Messier explained that the petition was not in favor or against, just for the voters to decide. He said the Selectboard chose not to make a decision in September, so the only thing he could do was the petition. The Selectboard and Mr. Messier discussed initiating the ballot item further.

Ms. McMains stated the question is on the ballot, so how it got there is a moot point. She said the voters will decide on Tuesday. Mr. Messier stated he is angry because he is being made to feel as though he has done something wrong. Ms. McMains disagreed. She said it is his right as a citizen of the Town to create a petition. She said the question is now on the ballot and this meeting is strictly for anyone who has questions about the ballot item as required by statute.

Mr. Lindholm asked whether the item can be discussed at Town Meeting. Ms. McMains said that since it was petition driven it can be talked about from the floor. Mr. Odit agreed, noting there was a change in the law and it can be discussed even though the polling place will be there. Mr. Lindholm said he attended the meeting to hear the pros and cons of the issue. Ms. McMains said they can be discussed. She said it is a different situation than most meetings or hearings, so we are all feeling our way through it.

Mr. Martin said since this is an informational meeting, he assumes someone is prepared to provide the information and he would like to hear it. Ms. McMains stated they can answer specific questions. She noted the following facts:

- It is a ballot item to change the Selectboard from three to five members; and
- If passed, the Selectboard will have to determine the timing for petitions to hold a special election.

Mr. Messier stated there is a clause that allows the Selectboard to appoint members. Ms. McMains disagreed, stating that the Town's attorney and Vermont League of Cities and Towns (VLCT) looked into this issue and both agree that a special election is recommended. She explained the reasoning and statutes involved. She said, if passed, the Selectboard will become a five member Board, so all three sitting members will need to be present for a quorum until the special election is held.

Mr. Messier said the Town's attorney will go with what the Town wants. The Selectboard members disagreed, stating they don't want to have a special election. Ms. Mercer asked whether the Selectboard can discuss the cons from their point of view. The Selectboard and Mr. Messier discussed what can be presented. Mr. Lindholm suggested closing the public hearing and continuing a public dialogue about the pros and cons. Mr. Odit suggested allowing everyone to have a couple of minutes to discuss their position. Ms. McMains agreed.

Mr. Messier said Mr. Penniman stated he is in favor of it on Front Porch Forum. He said the issue goes back to 2007 when the question of how to increase the Selectboard from three to five members was raised. He said at that time 5% signatures were required for a petition, but it was changed to 15%. Mr. Messier stated that 95% of Chittenden County has five Selectboard members. He said that over the last two years, 50% of the time only two members are present. He noted the importance of attending when members are elected and getting paid.

Mr. Messier said he prepared a rebuttal to the minutes of the Selectboard meeting held the first week of January, noting there were a lot of mistakes made. He said he obtained over three hundred signatures himself, noting comments made that will be reflected in the vote. Ms. McMains stated she is sorry Mr. Messier feels that way about the process, noting that none of the current members were part of the Selectboard he referenced. She commended him for his efforts in obtaining signatures. She said although about 95% of Chittenden County has

five member Selectboards, the State as a whole is about equally split between three members and five members based on the spread of population.

Ms. McMains agreed that the Selectboard does have times when one member is not in attendance. She said they try very hard to make the meetings and they do make sure that all three members are present when there is an important item to be decided. She discussed their approach. Ms. McMains stated increasing the number changes the dynamics. She said she is concerned about the introduction of more politics and the possibility of gridlock. She said it is their job to represent the entire Town.

Mr. Lindholm stated he is more in favor of this issue on the basis of the numbers. He discussed the population growth since he moved to Town. He said when he moved here, there was one representative for every 500 residents; now there is one for every 1,750. Mr. Lindholm stated the Town has changed significantly. He discussed the changes he has seen. He expressed concern about the next five to fifty years. Mr. Lindholm discussed the reasons for his concerns and his questions for the future of the Town. He said more members would reduce the amount of work per person.

Ms. McMains thanked Mr. Lindholm. She said the Town was recently voted as one of the best towns for young families to move to in Vermont. She said based on the Regional Plan, the Town's growth areas are the three Village Centers and that is where 80% of our growth should occur.

Mr. Booth said he does not see a strong argument against five members. He said it is not uncommon for only two members to be in attendance. He said he does hear the concern about the open meeting rules, noting he does not think it will play out in reality. Mr. Booth strongly encouraged the Selectboard not to appoint anybody if it passes. He said holding a special election would be the best approach. Ms. McMains agreed, stating there will not be any appointments. She said it is only a matter of determining the timing for the special election. She discussed the open meeting concerns, noting it does happen in other towns.

Ms. McMains expressed concern that there are many instances where open position candidates run on the ballot unopposed. She said if no one runs for the positions, it will not help anyone. Mr. Messier pointed out that Ms. McMains was appointed to her position and no one has run against her in either re-election. Ms. McMains agreed. Mr. Messier said the Selectboard still has the power to make an appointment. He discussed people he is aware of that have been interested, but have not run because someone else was running.

Ms. Williams asked Ms. Mercer to discuss the pros and cons. Ms. Mercer expressed concerns about getting work done with a larger Board. She said although the current members disagree frequently, they work really well together. She stated they are very open to the public. Ms. Mercer discussed the length and frequency of meetings for a larger Board. She said she thinks that is Mr. Nulty's biggest concern. She discussed how the Selectboard works currently, noting they are a working Board and they are pretty efficient.

Ms. Mercer said they don't feel that party politics are appropriate on the Town's Selectboard. She discussed the types of issues the Selectboard deals with. She discussed the open meeting rule issue and how members can strategize outside of public meetings. Ms. Mercer stated that is impossible with three members because anytime two members discuss something outside of public meetings it is illegal, so they don't do it. She discussed how those rules can be circumvented with a larger number of members. She said with the current size they can't and don't do that. Ms. Mercer stated it is an issue. She said she agrees with the pros raised, including attendance. She suggested attendance issues could be resolved by voting out a particular member.

Mr. Messier compared to School Boards that are much larger and still function. He said two members adds two more hearts and two more brains. Ms. Mercer said the current Selectboard listens to every issue that is raised to them. She said she does not think that two more members will add a broader view. Mr. Messier disagreed.

151 Mr. Albright asked if there is a legal limitation that makes it five. The Selectboard members answered that it has  
152 to be an odd number, three, five, or seven. Mr. Odit said the Town's Charter limits it to five. Mr. Messier said the  
153 law says three or five, but the Town can change its Charter to get to seven. He said bigger towns do that. Mr.  
154 Albright asked for a show of hands from those present of who has attended at least one Selectboard member in  
155 the last year. He asked how many had attended more than once. Mr. Messier stated the meetings are televised  
156 and can be watched from home. Mr. Albright asked who has participated in the meetings. He agreed with Ms.  
157 Mercer that the appropriate way to handle an attendance issue is to replace that member.

158  
159 Mr. Messier disagreed. Mr. Odit and Ms. McMains stated there is a recall provision in the Town's Charter. Mr.  
160 Albright stated he is rather indifferent about this. He said it feels like a solution seeking a problem. He said three  
161 seems to be working and if it works, don't fix it. Ms. Mercer agreed. Ms. McMains said people had told her they  
162 signed the petition because they thought the Selectboard needed more help. She said it will only help if good  
163 people run for the positions.

164  
165 Ms. Mercer said with five members, we will always have to have three people present. She said we could end up  
166 with three people at every meeting instead of two. She noted that in order for anything to pass, all three people  
167 will have to vote the same way. Ms. Mercer stated that might cause things to get done less quickly than they do  
168 now.

169  
170 Mr. Villeneuve asked Ms. Mercer if she felt there are any pros. Ms. Mercer said it would be that there would be  
171 more than two people at meetings. She said it would make things livelier.

172  
173 Mr. Broughton asked if there have been situations in the where the Selectboard has been confronted with issues  
174 that would, by their very nature, overwhelm a three member Board. Ms. McMains said that did occur just prior  
175 to her joining the Selectboard. She discussed the situation and the response. She stated a good Town  
176 Administrator makes all of the difference. Ms. McMains discussed the Selectboard and Town Administrator  
177 responsibilities. She said the division of work has made them much more efficient. Ms. Mercer said she has not  
178 felt that since she has been a member. She said honestly, she has never wished there were more members. She  
179 said it will probably make more work for the Selectboard, but that is irrelevant to the question. The Selectboard  
180 members agreed it is ultimately up to the voters.

181  
182 Mr. Broughton discussed a flooding situation that happened years ago and how quickly it was resolved with a  
183 three member Selectboard. He said sometimes there are inherent efficiencies in a group of people that work  
184 well together and are available to solve problems. Ms. McMains agreed, noting that applies to the recent  
185 situation with the Rivers' property.

186  
187 Mr. Villeneuve said there has been discussion about ex parte communications. He asked the members who were  
188 present whether they have never had any. Ms. McMains agreed, noting what information is discussed outside of  
189 meetings, in accordance with the rules. She stated the Legislature is in the process of clarifying what email  
190 communications the rules apply to; meanwhile they use the communications to set up meetings and agendas.

191  
192 Mr. Villeneuve clarified that with the other positions held by members, whether they feel they have never ran  
193 afoul of ex parte communication. Ms. McMains answered although he believes she has, she has not. Mr.  
194 Villeneuve stated there were problems with the emails that were part of discovery in the court case. Ms.  
195 McMains stated the Town's attorney did not feel they were.

196  
197 Mr. Villeneuve stated he is in favor of five members. He said it was noted earlier that you have three members  
198 present on important issues. Ms. McMains said they try to. Mr. Villeneuve stated he has attended many  
199 meetings regarding zoning regulations during the process, explaining the process for passing them. He expressed  
200 concerns about three people deciding such an important matter and representing the whole Town. He said the

201 whole decision was made by two people and he feels that was completely wrong. Mr. Villeneuve stated that  
202 representation does sometimes slow the process, but there are ways to address emergencies. He said when you  
203 can get a cross-section of more people in Town making the decisions, although it might take a little longer, it will  
204 end with a better result for the whole Town. He encouraged everyone to think long and hard about increasing  
205 the number to five.

206  
207 Mr. Lindholm said the open meeting law issue was raised. He stated that has also been raised in other towns and  
208 is something that needs to go back to the Legislature to be revised. He said there are issues where the three  
209 members or five members need to go out to visit a property and how do you get educated about an issue if  
210 three of you get together instead of meeting. Mr. Lindholm said that is the problem with that law currently. Ms.  
211 McMains agreed, stating that would be a violation unless it was warned as a Selectboard meeting.

212  
213 Mr. Lindholm discussed how it is also an issue with other Boards. Ms. McMains agreed. Mr. Messier noted that  
214 is where Mr. Odit comes in. Ms. McMains agreed, saying he provides us with good information. Mr. Messier and  
215 Ms. McMains clarified how information is provided to the Selectboard from the Town Administrator. Ms.  
216 McMains noted the support provided by VLCT to assist Selectboard members in learning their roles and  
217 responsibilities.

218  
219 Mr. Rackliff observed, from comments made, that generally two members attend meetings and try to work hard  
220 to get things done. He expressed concern about big decisions in Town being made by two people, which is what  
221 it boils down to with a three member Board. He said he does not see how expanding the Board, expanding  
222 perspectives, and expanding discussions can be bad for us as a Town. Mr. Rackliff said that he doesn't really care  
223 if it makes the job more difficult for a member of the Selectboard, any more than they care how hard his job is.  
224 He said if it helps us as a Town; helps us with representation; and helps us make better decisions; then it is  
225 something worthwhile in pursuing. He said regarding efficiency, the current membership can change at any  
226 time, so in terms of the future it may be better to have five members.

227  
228 Mr. Rackliff said he is not really wound up about the open meeting issue. He discussed an example raised by Ms.  
229 Mercer, noting that with three members the same thing can be done in the meeting. Ms. McMains agreed,  
230 stating the key is that it is discussed in the meeting. Mr. Rackliff said if someone is going to do it, they are going  
231 to do it. He said you have to vote for people you believe will do a good job. He said a dishonest person will be  
232 dishonest no matter how many members there are.

233  
234 Ms. Williams clarified that just because it is allowed doesn't mean it should be done. Mr. Rackliff agreed that  
235 whether it is allowed and whether it is the right thing to do are two different matters. He said partisanship and  
236 collusion is not a reason to stay away from five members. Ms. McMains agreed, saying that people need to be  
237 aware of the issue. Mr. Rackliff said half of the towns in the State are dealing with it. He said he doesn't see how  
238 it hurts us. Ms. McMains said the key is not to yell at the Selectboard if it takes longer to get things done. Mr.  
239 Rackliff said it might not be a bad thing.

240  
241 Mr. Villeneuve discussed the possibility of having one person, who is honest, efficient, and represents the Town  
242 making all of the decisions. He said there needs to be five members, not three. Ms. Mercer said that is a  
243 decision for the voters. She said this meeting is purely informational and they are sharing concerns that  
244 residents may not consider since they are not on the Selectboard. She said she is not trying to convince anyone  
245 either way.

246  
247 Mr. Rackliff pointed out that the three current members are not going to serve on the Selectboard forever. He  
248 discussed an example and asked what will happen when there are three different people serving. The  
249 Selectboard members agreed. Someone noted that it is disappointing that only fourteen residents out of the  
250 whole Town attended this meeting. Someone asked about the timeline if passed. Mr. Odit explained that under

251 the rules, the Selectboard would need to identify a date for the special election to provide people who are  
252 interested sufficient time to get a petition submitted. He discussed the process of announcing a meeting,  
253 warning a meeting, and holding a vote. Those present discussed possible timing of a special election and voter  
254 participation. Ms. McMains and Mr. Odit discussed the reasons for holding it as soon as possible.

255  
256 On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard closed the public hearing and**  
257 **adjourned at 8:14 p.m.** The motion passed 2-0.

258  
259 Respectfully Submitted,  
260 Amy Richardson



**Minutes 3/18/2014**

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**Selectboard Meeting  
March 18, 2014 at 7:00 p.m.  
Jericho Town Hall, 67 Vermont Route 15**

**Members present:** Tim Nulty (Chair), Catherine McMains, Kim Mercer

**Others present:** Todd Odit (Town Administrator), Pamela Gillis, Kathie Voigt Walsh, Howie Kargman

The public hearing was called to order by Mr. Nulty at 7:04 p.m.

**1. Public Comment.**

Mr. Odit stated that under the Liquor License Approval item there is an additional outside consumption permit for the Jericho Café & Tavern. He said additionally, a letter came in the mail today from Andrew Albright about the elected auditors. He entered both items into the record, noting hard copy would be filed with the original packets. The Selectboard and Mr. Odit briefly discussed the letter.

**2. Selectboard Reorganization and Adoption of Meeting Schedule.**

Ms. McMains said the Chair rotation would be as follows:

- Ms. Mercer - this meeting through May;
- Ms. McMains - June through August;
- Mr. Nulty - September through November; and
- Ms. Mercer - December through Town Meeting.

On a motion by Ms. McMains, seconded by Ms. Mercer, the **Selectboard adopted the 2014-2015 meeting schedule with the rotating Chairmanship as noted above.** The motion passed 3-0.

The Selectboard and Mr. Odit discussed the meeting schedule briefly. Ms. Mercer took over as Chair of the meeting.

**3. Liquor License Approval (Acting as the Local Liquor Control Board).**

Ms. Mercer read the list, as follows:

- First Class Liquor License for Griffin Riders LLC dba Jericho Café & Tavern;
- Second Class Liquor License for Jericho Center Country Store, Inc.;
- Second Class Liquor License for Bruce Jolley/Jolley Associates dba Jericho Jolley #303;
- Second Class Liquor License for Melvin Mitchell dba Jericho General Store; and
- Second Class Liquor License for Chittenden Mills LLC.

On a motion by Mr. Nulty, seconded by Ms. McMains, the **Selectboard, acting as the Local Liquor Control Board, approved the licenses as presented.** The motion passed 3-0.

**4. Approve Request for Mobbs Farm Kiosk and Waive Permit Fee.**

Mr. Kargman with the Mobbs Committee presented a photo of the current kiosk at the Fitzsimonds Road entrance. He said they would like to put something similar to that at the new parking lot on Browns Trace Road. He discussed what would be posted on the kiosk. Mr. Kargman said the process would be: Selectboard approval; apply for a permit; and install later this year if approved.

49 Ms. Mercer encouraged the committee to consider putting in a locked cash box for donations to support the  
50 trails. The Selectboard, Mr. Odit, and Mr. Kargman discussed other possibilities for collecting donations. Ms.  
51 McMains asked if it meets the Zoning Regulations. Mr. Kargman responded that the Zoning Administrator would  
52 make that determination. He discussed the process further, noting this is the first step.  
53

54 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard approved submitting a zoning permit for**  
55 **the installation of a kiosk at Mobbs Farm and waived the permit fees for the same.** The motion passed 3-0.  
56

#### 57 **5. Vermont Home Energy Challenge Award.**

58 Ms. McMains said we need to recognize Kathie Voigt Walsh and the rest of the Energy Task Force (ETF) who  
59 worked very hard at getting homes to fill out the cards. Ms. Walsh stated they did a lot of education and as the  
60 year progressed she could see people becoming more receptive to the information. She discussed the number  
61 and percentage of homes that were weatherized. She said the most important thing about coming in first in the  
62 region, with Underhill, is that we are eligible to receive a \$10,000 grant from Efficiency Vermont to be applied for  
63 a municipal and/or school energy efficiency project. Ms. Walsh said they will assist with the application.  
64

65 Ms. Mercer clarified that the work has to be done on a public building in Town. Ms. Walsh agreed. The  
66 Selectboard and Ms. Walsh discussed possible projects. She said she was happy that we, as a Town, agreed at  
67 Town Meeting to conserve energy. She noted this will continue to be a learning experience for the citizens,  
68 noting she hopes the Town buildings will follow suit. Ms. McMains noted work was done on the Town Garage  
69 and asked whether the follow up audit had been done. Mr. Odit said he would look into it. He discussed  
70 possible projects with the Selectboard and Ms. Walsh.  
71

72 The Selectboard congratulated and thanked Ms. Walsh and the ETF. Ms. Walsh thanked the committee members  
73 for laying a foundation in our Town to accomplish these goals. She discussed ETF efforts. Ms. McMains noted  
74 that the Regional Planning Commission (RPC) will be adopting the Climate Action Plan, noting there are things in  
75 there that are advocacy points for the ETF. The Selectboard, Mr. Odit, and Ms. Walsh discussed heating methods,  
76 air flow, and weatherization.  
77

#### 78 **6. Discussion on Wage Increase Policy.**

79 Mr. Odit discussed the draft policy on wage increases for employees. He noted that the Consumer Price Index  
80 (CPI) is an indicator of the changes in the cost of living. He added that a longevity bonus is a fairly common  
81 practice. Mr. Odit discussed some examples for discussion purposes. The Selectboard and Mr. Odit discussed  
82 the correlation of longevity and efficiency. They also discussed the practice relating to raises and bonuses in the  
83 past. Ms. Walsh discussed the tax implications of a lump sum bonus. The Selectboard and Mr. Odit discussed  
84 the matter further.  
85

86 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard adopted the Wage Increase Policy.** The  
87 motion passed 3-0.  
88

89 The Selectboard discussed the reasons for adopting the policy. They thanked Mr. Odit for his work.  
90

#### 91 **7. Termination of Tax Stabilization Contracts.**

92 Mr. Odit said this is a two step process, noting the first step is to approve terminating the contracts that expire at  
93 the end of this month. He said the second step is to renew contracts for those who would like to have them  
94 renewed; reminding the Selectboard they voted previously to not renew any contracts past 2016. He stated any  
95 contracts that are renewed would be for two years, expiring March 31, 2016. Mr. Odit noted there is one  
96 contract covering three parcels in which one of the parcels was sold. He discussed what has transpired with the  
97 properties involved and the implications on property taxes.  
98

99 Ms. McMains asked about what steps will be taken with the contracts that expire in 2015. Mr. Odit and the  
100 Selectboard discussed the State's Current Use Program. Mr. Nulty said we might want to consider leaving this  
101 option open on an exception basis. Mr. Odit stated the Selectboard had voted to leave that option open. He and  
102 the Selectboard discussed the matter further.

103  
104 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard approved Termination of Landowner**  
105 **Agreement and Reacquisition of Rights for all contracts that expire March 31, 2014 and the contract that**  
106 **covers BT062.** The motion passed 3-0.

107  
108 **8. Approve Tax Stabilization Contracts.**

109 Mr. Odit said this is to approve the new contracts. Ms. Mercer noted these contracts are for two years, when  
110 they were previously for five years.

111  
112 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard renewed tax stabilization contracts for a**  
113 **period of two years, ending on March 31, 2016, with the landowners on the attached spreadsheet labeled**  
114 **2014 Tax Stabilization Contract Renewals.** The motion passed 3-0.

115  
116 **9. Discussion of Highway Truck and Excavator Purchase Process.**

117 Mr. Odit said he would like to explain what the Town's past practice was for purchasing highway vehicles and get  
118 the Selectboard's concurrence to continue this process. He said the process has been for staff to work with  
119 vendors to spec a vehicle based on what the Town needs and what the vendor has to offer, noting he does not  
120 feel that sealed bids would be appropriate. Ms. Mercer asked for an explanation of sealed bids. Mr. Odit  
121 explained, noting the limitations of such a process.

122  
123 Mr. Odit discussed the vendors he was planning to meet with for these purchases. He discussed the approach to  
124 meeting with the vendors, including factors that would be considered. Ms. McMains said she liked the factors  
125 being considered in the decision making process. She said one of the municipal strategies for climate action  
126 suggests that efficiency is a big part of the bid, noting the reasons including the Environmental Protection Agency  
127 (EPA) standards. The Selectboard and Mr. Odit discussed the matter further. The Selectboard agreed with the  
128 process.

129  
130 Ms. Mercer asked about the Highway Department budget and overtime so far this year. Mr. Odit answered that  
131 although many towns have gone over their salt and sand budgets, at the end of February we were still good. He  
132 discussed the reasons. Ms. McMains said that she has heard positive comments, with the exception of the one  
133 situation raised during Town Meeting. The Selectboard and Mr. Odit discussed road conditions and snow fences.

134  
135 **10. Certificate of No Suit Pending.**

136 Mr. Odit said this is for the Grand List and is done annually. The Selectboard and Mr. Odit discussed the matter.

137  
138 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard approved the Certificate of No Appeal or**  
139 **Suit Pending.** The motion passed 3-0.

140  
141 **11. Approve Minutes of 2/20/2014, 2/26/2014, and 3/4/2014.**

142 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard approved the minutes of 2/20/2014 as**  
143 **written.** The motion passed 2-0; Ms. Mercer abstained. On a **motion** by Ms. McMains, seconded by Ms.

144 Mercer, **the Selectboard approved the minutes of 2/26/2014 as amended.** The motion passed 2-0; Mr. Nulty  
145 abstained. The Selectboard tabled approval of the minutes from 3/4/2014.

147 **12. Other Business.**

148 The Selectboard members discussed concerns raised at a previous meeting about crime, noting the importance  
149 that the Vermont State Police attend a meeting to discuss the matter. Mr. Odit stated they are tentatively  
150 scheduled to attend the next meeting on April 3, 2014.

151  
152 Ms. McMains discussed the location of signs, noting the issue had been raised at Town Meeting. The  
153 Selectboard discussed implementing a policy to remove signs, noting it should be publicized. Mr. Odit agreed to  
154 notify the Highway Department. Ms. Mercer asked about who is authorized to remove signs in the rights of way.  
155 Ms. McMains noted there are zoning regulations pertaining to temporary signs. The Selectboard and Mr. Odit  
156 discussed signs further.

157  
158 Ms. McMains asked about the next steps for Cemetery Commissioners. Mr. Odit suggested advertising. The  
159 Selectboard agreed. Ms. McMains asked about the Route 15 issue raised during Town Meeting. Mr. Odit  
160 suggesting making a request next year through the RPC, so the Town's portion would be 20% of the cost. He  
161 noted the funding has already been distributed for this year. Ms. McMains said there was a minor committee, as  
162 part of the AARP study, which looked into this previously and ran into some issues. Mr. Odit noted that  
163 Hinesburg recently did a similar study, so he was looking into it. The Selectboard and Mr. Odit discussed the  
164 matter further. They also discussed a crosswalk near Joe's Snack Bar and the intersection with Browns Trace  
165 Road. They also discussed other road improvement projects. Mr. Odit said he would follow up on the Hinesburg  
166 study and provide the Selectboard with additional information.

167  
168 Mr. Nulty said the first meeting of the prospective Community Development Corporation (CDC) Board was held.  
169 He discussed the prospective members and who had agreed to be officers. He said the Selectboard will need to  
170 appoint them at the next meeting. Mr. Nulty said they discussed how they would operate. Ms. Mercer asked if  
171 they would provide some background information on the prospective members. Mr. Nulty said yes, noting what  
172 has been discussed and what needs approval from the Selectboard. He asked permission to allow the other  
173 members of the CDC to participate or observe the negotiating committee meetings. The Selectboard agreed.

174  
175 Mr. Odit said the Federal Emergency Management Agency (FEMA) completed their work and it looks like we will  
176 receive \$330,000 back. He noted the request he submitted was for about \$15,000 more and the main difference  
177 is the equipment reimbursement, discussing the reason. He stated it would be easier should another event  
178 occur because a computer has been installed with a program to track usage. Mr. Odit discussed a slight schedule  
179 change for an employee with the Selectboard.

180  
181 **13. Approve Warrants of 3/7/2014.**

182 The Selectboard members present signed the warrants.

183  
184 On a motion by Mr. Nulty, seconded by Ms. Mercer, the **Selectboard adjourned at 8:45 p.m.** The motion passed  
185 3-0.

186  
187 Respectfully Submitted,  
188 Amy Richardson

**Minutes 4/3/2014**

**Selectboard Meeting  
April 3, 2014 at 7:00 p.m.  
Jericho Town Hall, 67 Vermont Route 15**

**Members present:** Kim Mercer (Chair), Catherine McMains, Tim Nulty

**Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Martin Fisher, Jessica Alexander, Robin Bartlett, Lieutenant Jim Whitcomb, Trooper Matt Katz, Trooper Todd Ambroz

The public hearing was called to order by Ms. Mercer at 7:00 p.m.

**1. Public Comment.**

Mr. Fisher thanked the Selectboard for inviting the Vermont State Police here for the presentation. He said he is interested to know when the Rivers discussion will be made public. Mr. Nulty stated they have an agreement with Underhill-Jericho Fire Department (UJFD) not to reveal substance of the discussions. He noted that after every meeting they have issued joint statements and they are making progress. He said the most recent meeting was on Monday and a joint statement was posted on the Town's website on Wednesday. Mr. Nulty said when an agreement is reached, it will be made public.

**2. Presentation by Vermont State Police on Jericho Crime Statistics.**

Lieutenant Whitcomb said the Vermont State Police (VSP) Williston Barracks cover Chittenden and Lamoille Counties. He said they have been attempting to do more outreach, noting they can always come back for a public forum if needed. He introduced Senior Trooper Matt Katz who will be presenting some crime trends.

Trooper Katz discussed the Williston Barracks staffing, average years of experience, languages spoken, and services provided. Mr. Fisher asked if there were any handouts. Ms. Mercer suggested posting the presentation on the Town's website. Trooper Katz continued the presentation, discussing what the services include and special teams. He presented national crime statistics and the average cost to homeowners per incident. He noted the impact of crime on insurance costs and said rising crime affects all of us.

Trooper Katz discussed forced entry versus non-forced entry. He presented the number of incidents in Jericho as follows: 528 in 2011; 532 in 2012; 554 in 2013; and 137 in 2014. He explained that an incident is any call to VSP for service in Jericho. Ms. Mercer clarified whether a call, but not an action would be included. Trooper Katz said most calls result in action. Lieutenant Whitcomb clarified questions or informational calls would not be included, but those types of calls are very low.

Mr. Nulty said the numbers seem pretty stable. Trooper Katz said he noticed when looking at the statistics that Jericho is the highest number of incidents for the towns they cover, noting there are a number of factors. Mr. Nulty said population is one. Trooper Katz agreed, stating there are a lot of incidents generated from the Vermont National Guard because they have a sensitive alarm. He discussed incidents VSP responded to last month, discussing examples of the types of incidents. Lieutenant Whitcomb said the trend line stays relatively the same.

Trooper Katz continued the presentation with trends in burglaries, noting they are lower in Jericho than in Charlotte or Huntington. Lieutenant Whitcomb noted that burglaries without force are flipped from the national trend. Mr. Odit asked about the typical value lost in these types of incidents. Trooper Katz stated there is no typical burglary, but it is generally pretty high with loss of family heirlooms and jewelry. He discussed how items are converted into cash. He also discussed a recent example of a string of burglaries.

51 Trooper Katz noted what items are hot now because they can be sold quickly. He stated they are not seeing a  
52 rise in burglaries in the Town. He said most burglaries occur because the house is unlocked and most thieves are  
53 drug addicts. Mr. Nulty said most occur during the day. Trooper Katz agreed and continued the presentation,  
54 discussing the trend in thefts and some examples. Lieutenant Whitcomb discussed more examples.  
55

56 Mr. Fisher asked at what point the VSP expects a homeowner to call to report a theft. Lieutenant Whitcomb said  
57 if they don't know, there is nothing they can do about it. He said if there is something a little suspicious to  
58 someone, it might be helpful to them. He said it is important for the public to call. Mr. Fisher asked whether  
59 those are nuisance calls. Lieutenant Whitcomb said not at all, if they are not receiving calls, they are behind the  
60 game. Trooper Katz noted that some of the most benign calls have solved larger cases.  
61

62 Mr. Odit asked whether that is what happened recently. He discussed an example. Trooper Katz agreed,  
63 discussing another example. He said it is important for people to call about any suspicious activity in the area.  
64 Lieutenant Whitcomb stated 9-1-1 is for emergency calls, but they have in-house lines for other calls. Mr. Odit  
65 said some people are posting on Front Porch Forum when they should contact VSP in some cases. Trooper Katz  
66 said they monitor Front Porch Forum, but they cover a lot of towns. Lieutenant Whitcomb said they would like  
67 to hear from people involved.  
68

69 Trooper Katz discussed burglaries in Jericho during 2012 and 2013. He also discussed tickets issued versus  
70 warnings issued and the trends. Ms. Mercer asked whether all of the tickets included were real. Lieutenant  
71 Whitcomb stated they are verified tickets. He noted when there is more activity, Ms. Mercer clarified when  
72 Deeghan was ticketing. Lieutenant Whitcomb said they can't say specifically that was the reason for lower  
73 numbers. VSP discussed efforts taken to determine which tickets were fraudulent, the time period, and how  
74 many were identified. Trooper Katz clarified the statistics in the presentation are calendar year.  
75

76 Lieutenant Whitcomb said statistics fluctuate depending on personnel in the barracks. He discussed how they  
77 allocate resources and how their commuting routes impact coverage. He said they have given presentations  
78 about Neighborhood Watch, discussing the types of information provided, noting information is available if  
79 requested. Trooper Katz discussed the focus of Neighborhood Watch and said they encourage people to lock  
80 their doors.  
81

82 Mr. Nulty stated there was a small flurry of concern a few weeks ago in some relatively small neighborhoods. He  
83 asked about introducing Neighborhood Watch into the discussion. Lieutenant Whitcomb discussed resources  
84 and training available, noting how Neighborhood Watch would work. He said they would be happy to field those  
85 calls. Ms. McMains said those posting were from neighborhoods. She suggested posting a link on the Town's  
86 website. Trooper Katz said they are aware of the neighborhoods that have a higher incident of calls and  
87 discussed the approach to patrols.  
88

89 Trooper Katz continued the presentation with statistics on the Sex Offender Registry, noting the number in  
90 Vermont, Chittenden County, and Jericho. Lieutenant Whitcomb stated there has been a good amount of  
91 information on the drug epidemic in Vermont. He said it is real and pointed out that these statistics show the  
92 resulting crimes associated with the epidemic are the burglaries and the thefts. He discussed the efforts to solve  
93 crimes, noting they have a great working relationship with the Chittenden County Sheriff's Department and  
94 other agencies. Lieutenant Whitcomb asked the public to call with any information or questions.  
95

96 Mr. Nulty said the totals are fairly low, but it seems fair to say there is no trend one way or the other. Lieutenant  
97 Whitcomb said the trend is a steady baseline, noting that is in the face of some of the other statewide trends  
98 they have seen. He discussed trends in other areas of the State. Mr. Fisher asked how the VSP cooperates and  
99 works with the Chittenden County Sheriff's Department. He asked if the Sheriff's Department were here, if  
100 they would have similar statistics.

101 Lieutenant Whitcomb stated the Sheriff's Department work is contract, motor vehicle work; while VSP are  
102 primary responders in Jericho. He said they assist, discussing an example. He said there is very good  
103 communication between the local agencies. Trooper Katz noted the Sheriff's Department monitors VSP  
104 channels and may be the first on scene sometimes. Mr. Fisher asked about VSP activity in Jericho and how they  
105 operate. Lieutenant Whitcomb said they have a limited force, discussing staffing numbers. He said some of the  
106 numbers are higher in Jericho because this is a pass through for them to get to other areas they cover. He  
107 discussed how they allocate resources using intelligence they have.

108  
109 The Selectboard thanked VSP for the presentation. Ms. Mercer noted it shows that rumors and postings online  
110 don't outweigh facts. Lieutenant Whitcomb stated these are traumatic incidents and that weighs into the  
111 postings. He said they can't emphasize enough for people to lock their homes and vehicles. He discussed the  
112 reasons and asked if people are concerned or see something suspicious to report it, noting license plates are very  
113 helpful.

### 114 115 **3. Appointment of Jericho Community Development Corporation (JCDC) Directors.**

116 Ms. Mercer asked for an update. Mr. Nulty said they asked Paul Giuliani and Pete Roberts to draft template  
117 Articles of Incorporation and by-laws. He discussed the iterations the drafts went through, noting they think the  
118 documents are ready. Ms. Mercer asked what capacity Mr. Giuliani is assisting in. Mr. Nulty said he is the Town's  
119 attorney for this purpose because he is an expert in the area. The Selectboard discussed when the documents  
120 would be reviewed and approved. They discussed the matter further.

121  
122 Mr. Odit noted an issue with insurance coverage. Mr. Nulty stated he would like to review the insurance policy.  
123 He and Mr. Odit discussed the matter further. Mr. Odit explained that eligibility is determined by the by-laws. He  
124 said staff at the insurance company does not have authority to approve the policy, so it would need to be  
125 approved by their Board. The Selectboard and Mr. Odit discussed the matter further, agreeing to schedule a  
126 meeting with the Board and ask Mr. Giuliani to join them.

127  
128 Mr. Nulty proposed appointing a Board of Directors to take office as soon as the entity is created. He noted the  
129 Board can be no more than five, under the proposed by-laws. He proposed appointing Kurt Carter, Bob Mulcahy,  
130 Don Foote, Susan Harritt, and Tim Nulty. Ms. Mercer asked how he came up with this list. Mr. Nulty said he  
131 asked everyone he knew who might be interested and who had those credentials. He discussed the background  
132 of the individuals, noting they are an experienced group of people. He noted they also tentatively agreed that  
133 Kurt would serve as President; Bob as Treasurer; and Tim as Secretary and Scribe.

134  
135 On a motion by Mr. Nulty, seconded by Ms. McMains, the Selectboard appointed Kurt Carter, Bob Mulcahy, Don  
136 Foote, Susan Harritt, and Tim Nulty to the Board of Directors of the Jericho Community Development  
137 Corporation. The motion passed 3-0.

138  
139 Mr. Odit asked about terms. Mr. Nulty stated they are three year terms, staggered in the by-laws. He said they  
140 also discussed whether to seek 501c3 status, but decided against it, noting the reasons. He discussed how a tax  
141 exempt contribution could be made without the status. Mr. Odit suggested two 2 year terms, two 3 year terms  
142 and a 1 year term, that then become three year terms. Mr. Nulty agreed, suggesting his term be for 1 year;  
143 Susan and Don for 2 years; and Bob and Kurt for 3 years. The Selectboard agreed. Mr. Nulty noted he is the  
144 Selectboard designee, so if he is no longer on the Selectboard there would be a new member from the  
145 Selectboard. Ms. McMains said it is a great Board with good skills. Mr. Nulty stated it could be a significant  
146 entity in Town.

### 147 148 **4. Approve Recommended Summer Recreation Program Hires.**

149 Ms. McMains said she is impressed with the candidates. The Selectboard discussed the candidates and the  
150 Summer Recreation Program. Ms. Mercer suggested the program would benefit with more on-site adults, noting

151 that no other towns programs are set up like this. She discussed how the program operates and said the value is  
152 outstanding. Mr. Nulty asked what we could actually do. Ms. Mercer suggested a Recreation Committee,  
153 discussing reasoning and possible responsibilities of such a committee. The Selectboard discussed the matter  
154 further. Mr. Odit noted it is also a budget matter. He noted previous discussions and concerns about pricing  
155 people out of the program. Ms. Mercer said it could be income based pricing.

156  
157 Mr. Nulty suggested that Ms. Mercer look into the matter further and come back with a proposal. The  
158 Selectboard and Mr. Odit discussed differences in the programs and the fees of Jericho and Essex Recreation  
159 Programs. Ms. Mercer asked for it to be on the agenda for the next meeting. Mr. Nulty discussed the approach  
160 to a proposal. The Selectboard and Mr. Odit discussed the matter further.

161  
162 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard approved the Recreation Director's**  
163 **recommended hires for the six vacant counselor positions and the rehire of ten counselors and two Assistant**  
164 **Directors.** The motion passed 3-0.

165  
166 **5. Approve Minutes of ~~3/4/2014~~, and 3/18/2014.**  
167 On a **motion** by Ms. McMains, seconded by Ms. Mercer, **the Selectboard approved the minutes of 3/4/2014**  
168 **as amended.** The motion passed 3-0. On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard**  
169 **approved the minutes of 3/18/2014 as written.** The motion passed 3-0.

170  
171 **6. Other Business.**  
172 Mr. Odit said he checked in with the State today and the pedestrian bridge is due to be advertised on May 7<sup>th</sup> for  
173 construction bids. The Selectboard agreed that is good news. The Selectboard and Mr. Odit discussed the  
174 meeting schedule.

175  
176 **7. Approve Warrants of ~~3/21/2014~~.**  
177 The Selectboard members present signed the warrants.

178  
179 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard entered Executive Session at 8:19 p.m.**  
180 The motion passed 3-0.

181  
182 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard exited Executive Session at 8:52 p.m.**  
183 The motion passed 3-0.

184  
185 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard adjourned at 8:53 p.m.** The motion  
186 passed 3-0.

187  
188 Respectfully Submitted,  
189 Amy Richardson



**Minutes 4/17/2014**

**Selectboard Meeting  
April 17, 2014 at 7:00 p.m.  
Jericho Town Hall, 67 Vermont Route 15**

**Members present:** Kim Mercer (Chair), Catherine McMains, Tim Nulty

**Others present:** Todd Odit (Town Administrator), Leslie Allen, Brian Appleberry, Russ Clark, Randy E. Clark, Brent Boise, Josh Clark, Ron Charlebois, Will Wetzel, Sandy Ladd, Andrew Albright, Henry Rackliff, Robin Bartlett, Doug Siple, Randy H. Clark, Chris Kiegle

The public hearing was called to order by Ms. Mercer at 7:03 p.m.

**1. Public Comment.**

Mr. Allen thanked the Town for providing minutes of meetings online. He said when he read the October meeting minutes he was a little astonished. He said he had spoken with the Selectboard about the trees on the property line between the cemetery and the Church property. Mr. Allen discussed his concerns about the trees that were expressed at that time. He said the minutes reflected that he was concerned about the liability if they fell on the Church, which was totally different than his concern about them falling into the cemetery and causing damage. The Selectboard agreed to amend the minutes.

Mr. Allen asked if he could follow up on that matter, noting he is aware that the Selectboard has appointed a Cemetery Commission. He asked whether the Town would be taking ownership of the cemetery, or just responsibility for maintaining it. Mr. Nulty said the Town would be taking responsibility for maintenance. Ms. McMains discussed the reasons for not taking ownership. Mr. Nulty said they did look into taking ownership, but it was unclear.

Mr. Allen stated he would like the Church Council give authorization to take care of the trees that are there, regardless of which property they may be on. He discussed his concerns, noting that he would discuss the matter further once the Cemetery Commissioners are appointed. Ms. McMains agreed that would be the appropriate course of action. The Selectboard thanked Mr. Allen for bringing that to their attention.

Mr. Appleberry commented about speed surveys on Skunk Hollow Road, reading a prepared statement. He expressed concerns that the recent speed survey being done during frost heave season. He discussed his concerns further, noting that residents would strongly oppose foregoing speed tables based on the results of the recent survey, feeling it was flawed. Ms. Mercer stated she thought the frost heaves weren't that bad on Skunk Hollow Road. Mr. Appleberry said there were a couple of spots and they probably worked better than the speed tables will. The Selectboard thanked him for his comments.

**2. Accept Proposal for Purchase of a Dump Body and Plow and a New Tandem Highway Truck.**

Mr. Odit said the Town received two quotes for the dump body and plow. He discussed the quotes received and what was done in the past. The Selectboard asked whether the previous one worked out well. Mr. Odit said it did to his knowledge. Mr. Siple agreed. Ms. Mercer asked whether the two quotes were for the exact same piece of equipment. Mr. Odit agreed, noting they have different manufacturers.

Mr. Odit stated the Town received six quotes on five different trucks. He discussed the quotes received, including the cost of warranties. He also discussed further research done on the truck models, noting some limitations and differences between models. Mr. Siple explained why the tough track suspension gets better traction than the other suspension. He discussed examples the Highway Department has had with the different suspensions.

51 Mr. Odit continued discussion of the trucks, noting some benefits and maintenance considerations. He discussed  
52 financing considerations, recommending going with the Freightliner truck.

53  
54 Mr. Albright asked if we are adding to the fleet or replacing a vehicle. Mr. Odit answered both, explaining they  
55 are not trading in the truck that is being replaced. Mr. Siple discussed the current fleet, noting which truck is  
56 being kept and the reasoning. Mr. Albright asked why we are buying a tandem and not a single axle. Mr. Odit  
57 stated it is crucial given the amount of material they haul. Mr. Siple discussed what material they haul, noting  
58 this would double the load per trip.

59  
60 Mr. Albright asked how much a tandem weighs fully loaded with sand. Mr. Siple discussed the weight of the  
61 truck, stating he could provide Mr. Albright the accurate number with a full load. Mr. Albright asked what the  
62 weight rating of the bridge on Old Pump Road is. Mr. Odit and Mr. Siple answered 24,000. Mr. Albright said the  
63 bridge has been plowed all winter with a tandem truck and it never gets clean. He discussed his observations,  
64 asking if the length and size of the truck contributes to that. He stated there were times that bridge was nearly  
65 impassible this winter and wondered if a tandem truck is too much for some of our roads.

66  
67 Mr. Odit stated all of the Town bridges are rated at 24,000 pounds. Mr. Siple noted a lot of the snowpack is  
68 attributed to the sand that is applied. He discussed their approach to maintaining the roads in the winter, noting  
69 it would be the same situation with a smaller truck. Mr. Albright said he is not trying to raise complaints about  
70 road maintenance, but is wondering if the tandem axle truck is overkill for some situations. Mr. Odit suggested  
71 in the future any discussions about that type of thing would be good to do during the Capital Budget adoption  
72 process because that is when we decide what equipment we will buy.

73  
74 Mr. Nulty said we do have a range of equipment, discussing some of the vehicles in the fleet. Ms. Mercer asked  
75 if Mr. Albright called this winter when the bridge was bad. Mr. Albright said he didn't. Ms. Mercer said people  
76 are encouraged to call the office when things are bad or unsafe, so that they can be addressed at the time. Mr.  
77 Albright discussed the bridge abutments and his concerns.

78  
79 Mr. Randy E. Clark discussed power take off, including where the hydraulic oil is stored and how it operates. He  
80 also discussed the technology and placement, noting how the placement affects the ease of maintenance. He  
81 explained the reasons for placing the tank behind the cab verses in front of it. Mr. Clark agreed that the slope  
82 nose body has a much nicer view, which is very easily done with the International, noting how that would be  
83 done. He said he cannot speak to the tough track suspension, but the chalmers suspension is a premiere  
84 suspension, used worldwide. He discussed the uses and benefits, noting there are other choices they have. Mr.  
85 Clark said he doesn't know what information the Selectboard has and whether they are comparing apples to  
86 apples or not. He discussed what Clark's Truck Center quoted, stating there was no specification to follow.

87  
88 Mr. Odit said they reviewed the warranties, choosing not to go with chassis warranty, going with towing, axle,  
89 transmission, and engine. He said they feel the engine warranties are comparable. Mr. Nulty clarified the  
90 warranties being recommended were comparable. Mr. Odit agreed, noting it is not possible to get exactly the  
91 same thing from different manufacturers. He discussed the differences in the warranties and the reasoning for  
92 the recommendation made.

93  
94 Mr. Randy E. Clark noted the reliability of the truck purchased most recently should be good because it is only a  
95 couple of years old. He said they did compare to the last International truck the Town purchased, which was put  
96 into service in late 2009 or so. He said they reviewed the service records, noting it is covered by extended  
97 service. Mr. Clark discussed the services that were covered. He stated there have been no engine issues in that  
98 time period and the truck has close to 75,000 or more miles on it at this point. He said it plows the road he lives  
99 on, multiple times each snow storm.

100 Mr. Randy E. Clark said the engine itself has not changed, while they have adapted the Cummings after  
101 treatment system. He stated it has been a reliable servicing unit, as many towns have experienced, including  
102 Jericho. He said when International decided to go to the after treatment system, they partnered with Cummings  
103 so they would not have to reinvent the wheel. Mr. Clark said they have had exceptional good luck. He said he  
104 spoke with a dealer last week that has a fleet with over 350 trucks with the new engine and they are delivering  
105 48 of them per month with exceptional serviceability. Mr. Russ Clark clarified which warranties were quoted. He  
106 and Mr. Odit discussed the warranties.

107  
108 Mr. Wetzel commented about suspension, agreeing chalmers is a good suspension and they sell it as well. He  
109 said it doesn't matter what frame you hook it to, tough track has the highest articulation or movement of any on  
110 the market right now. He noted maintenance is very similar to chalmers and is very low, discussing his  
111 experience over the past several years. Mr. Wetzel said they do sell chalmers, but they feel the tough track  
112 works better. Ms. Mercer asked if Mr. Wetzel works for Charlebois. Mr. Wetzel said yes.

113  
114 Mr. Charlebois introduced himself, noting he owns the dealership. He said they have the option to sell chalmers  
115 or tough track and the benefit depends on the application. He stated with the Town's application, the tough  
116 track is a far better suspension, not based on price, but based on application. Mr. Charlebois discussed different  
117 applications and what he feels works best.

118  
119 Mr. Randy H. Clark stated he is part owner of Clark's Truck Center, noting his sons are part owners as well. He  
120 said he would appreciate the Selectboard doing business in the Town of Jericho. He said he doesn't believe they  
121 have an inferior truck by any means, noting they supply the State of Vermont and many municipalities  
122 throughout the State. Mr. Clark stated he would like to see the support of the Selectboard, given the small  
123 difference in numbers. He said both trucks are of quality and he would like to see the local support.

124  
125 The Selectboard thanked everyone for participating in the process, noting they would deliberate in Executive  
126 Session and vote on the decision in public.

127  
128 **3. Approve Bylaws and Articles of Incorporation for Jericho Community Development Corporation (CDC).**

129 Mr. Nulty gave a brief history about how the CDC came to be. Ms. McMains noted the Selectboard approved the  
130 Board members at the previous meeting. Mr. Nulty stated a misperception arose recently that this was in some  
131 sense, wholly or partly, a private enterprise with private investors and private owners. He said that is absolutely  
132 not the case; the proposed CDC is a wholly owned subsidiary of the Town and is a non-profit entity. He explained  
133 the reasoning for creating the CDC, noting those are built into the Bylaws and the Articles of Incorporation.

134  
135 Mr. Nulty said he has done research on these entities, noting the President is very knowledgeable of these  
136 things. He discussed a recent meeting of the Board members, noting that CDCs are created for different reasons  
137 and operate differently. He stated he wanted to make it absolutely clear that this is a non-profit entity. Ms.  
138 Mercer clarified the misconception arose as part of a conversation Mr. Nulty had with someone. Mr. Nulty  
139 agreed it was.

140  
141 Mr. Odit stated there are some other development corporations that have a lot of members, some of whom are  
142 private or businesses, which is more common. Mr. Nulty said there is such a broad range, so you would have to  
143 do further research to determine what is more common. He discussed other development corporations in the  
144 Vermont, noting most of them were created to address a problem within the community and are designed  
145 accordingly. He discussed an example similar to Jericho's.

146  
147 Ms. McMains asked if the Articles of Incorporation presented tonight are the ones that have been revised. Mr.  
148 Nulty said yes, noting they were originally drafted by Paul Giuliani. He discussed the various people who have  
149 had input into the revisions since the first draft. He noted the priority for the Selectboard since the beginning

150 has been transparency, so there is a lot of language about that. Mr. Nulty stated one thing that is absolutely  
151 clear now is that as an instrumentality of a municipality, it is subject to the open meeting laws. The Selectboard  
152 members agreed that is great.

153  
154 Mr. Odit said those were the biggest revisions, noting that it originally was going to be a 501c3, but that has been  
155 removed. Mr. Nulty explained that it was probably unnecessary and it creates a whole body of reporting and red  
156 tape. Ms. Mercer asked if it also changes the possibilities for funding. Mr. Nulty explained that one of the  
157 reasons non-profits are designated 501c3 is to enable people to make tax deductible donations. He said the  
158 Town can do that anyway, discussing an example. He said since this is an instrumentality of the Town, it already  
159 has the benefits that a 501c3 would have anyway.

160  
161 Ms. Mercer asked whether the 501c3 would also make it more complicated to receive funding from the Regional  
162 Planning Commission (RPC). Mr. Nulty said no, explaining 501c3 creates a lot of complications with no benefit in  
163 this case, noting there are benefits for other organizations. He said that is the reason it was removed. Ms.  
164 Mercer said she liked the corporate seal article. She read the article for those in attendance. Mr. Nulty said that  
165 is standard language. The Selectboard members discussed the possibilities for a corporate seal.

166  
167 Mr. Nulty stated the CDC is structured so that it does not get any money from the General Fund; it has to exist on  
168 its own. Ms. Mercer asked if there is anything in there about payment to the Directors. Mr. Nulty said no. Ms.  
169 Mercer clarified what she was asking. Mr. Nulty said if it ends up generating enough money to hire a Director,  
170 then so be it. Ms. Mercer clarified whether the Board members receive money. Mr. Nulty stated they do not.  
171 Ms. Mercer asked if that is stated in the document. She found the section in the articles and read it. The  
172 Selectboard members discussed the matter further. Mr. Nulty agreed it should be stated that the Board  
173 members are volunteers, noting that is certainly the intent.

174  
175 Ms. Mercer said a development corporation does not sound like it is non-profit, so we need to be as explicit as  
176 possible. Mr. Nulty agreed. Ms. McMains said the only thing in there is in the basic Articles of Incorporation in  
177 Section C. She read the section. Mr. Nulty clarified the meaning of the section. The Selectboard discussed the  
178 matter further.

179  
180 Mr. Albright asked if this is designed such that if it was to no longer be a going concern the Town would not be on  
181 the hook for anything. Mr. Nulty answered yes; the Town is not liable for any debts of this entity. He said it has  
182 to raise its own money and pay its own debts. Mr. Albright stated he feels better that Mr. Giuliani is working on  
183 this, he is the best lawyer in the State. Mr. Nulty agreed he is the premiere municipal lawyer in the State,  
184 without any dispute.

185  
186 Mr. Kiegle said he is trying to understand how the CDC would work. He asked whether the Board of Directors is  
187 open for people to join or whether there would be an election through the Town. Ms. Mercer stated the  
188 Selectboard will appoint them and there will be five members. Ms. McMains noted that one of the members  
189 will be a Selectboard member at all times. Ms. Mercer said the meetings will be open. Mr. Kiegle clarified it will  
190 always be an appointed position. Ms. Mercer agreed, noting the qualifications of the people who have been  
191 appointed.

192  
193 Mr. Nulty discussed the staggered terms and the people who were appointed, briefly noting some of their  
194 qualifications and experience. Mr. Odit noted it does state that the Directors can create committees for special  
195 things and the committee members can be people from the community. Mr. Nulty agreed.

196  
197 On a motion by Mr. Nulty, seconded by Ms. McMains, **the Selectboard adopted and approved the draft Articles**  
198 **of Incorporation and the Bylaws, with the amendment that Board of Directors shall not receive compensation**  
199 **for their service to this corporation.** The motion passed 3-0.

200 **4. Approve Letter of Support for Additional Funding for Jericho Center Sidewalk Construction.**

201 Mr. Odit said the project has been reviewed by the right of way people at vTrans, who have given the Town the  
202 go ahead to start speaking with landowners about easements. He said we also received a revised estimate for  
203 construction. Mr. Nulty and Ms. Mercer asked why vTrans is involved. Mr. Odit said because it is an  
204 enhancement grant with federal funding. Mr. Nulty said it is not a State road. Mr. Odit agreed, noting that  
205 makes the process easier. He said the original enhancement grant was \$249,000 in federal funds and we had  
206 estimated the project would cost \$311,000, so it would include \$60,000 in Town funds as well. He stated the  
207 contract for design is \$40,000, leaving \$217,000 of federal funding available and \$54,000 of our required local  
208 match for construction.

209  
210 Mr. Odit said the newest estimate for construction is \$300,000, which is mainly due to the cost of the retaining  
211 wall of \$100,000. He stated you also have to include a contingency and a consultant to inspect the project as it is  
212 being constructed. He said including those it brings the construction estimate to \$390,000. Mr. Odit said when  
213 that is applied to the funding we already have committed to us, we are about \$120,000 short. He noted it could  
214 be less than that because the contingency could not be needed and the consultant could cost less. He said we  
215 have two opportunities right now:  
216 1) Apply to the RPC for funding to cover the gap, noting it is an 80/20 split; or  
217 2) Apply through the Enhancement Grant Program for additional funding.

218  
219 The Selectboard and Mr. Odit discussed the funding opportunities. Mr. Odit stated the Bike and Pedestrian Plan  
220 is being held up a little bit while we refine the projected traffic increases. He explained the difficulty in  
221 projecting that information. He discussed the timing of upcoming meetings related to that Plan and the  
222 Transportation Plan. Mr. Odit said the idea was not to undertake more sidewalk projects until these plans are in  
223 place to set priorities. The Selectboard and Mr. Odit discussed the matter further.

224  
225 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard approved the Letter of Commitment for**  
226 **the local match for a RPC Sidewalk Grant.** The motion passed 3-0.  
227

228 **5. Approve Outdoor Consumption Permit (acting as Liquor Control Board).**

229 Mr. Odit said we did get an outdoor consumption permit application for the Jericho Café and Tavern. He said the  
230 Selectboard approved one earlier, but they didn't realize it expired April 15<sup>th</sup>. He noted if we delay approval until  
231 the May 1<sup>st</sup> meeting, they will have a delay in serving outside. The Selectboard members agreed it was their  
232 intent for the approval to stand.

233  
234 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard approved the outside consumption**  
235 **permit for Griffin Riders LLC d/b/a Jericho Café and Tavern.** The motion passed 3-0.  
236

237 **6. Approve Minutes of 4/3/2014.**

238 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard approved the minutes of 4/3/2014 as**  
239 **amended.** The motion passed 3-0.  
240

241 **7. Other Business.**

242 Mr. Odit said some of the streetlights are out. He stated the electrician who installed them researched it and  
243 found there was short due to a critter that had chewed into the wires. He said they will not be able to repair  
244 them until the ice thaws. Mr. Odit said the other issue is the crosswalk up here, noting last year all of the inroad  
245 lights were replaced because they were defective. He said at some point this winter one of the State plows took  
246 out one of the lights and it was patched over recently. He stated the whole thing doesn't work now, suggesting  
247 investigating the solar, sign mounted, pedestrian activated flashing lights. Ms. McMains clarified that is what is  
248 over by Mt. Mansfield Union High School and Mr. Odit agreed. She noted that is more functional.

249 The Selectboard and Mr. Odit discussed the matter further. Mr. Odit stated he would find out the alternatives  
250 and the costs and bring them back to the Selectboard. He discussed the funding and the likely cause. He and  
251 the Selectboard discussed the matter further. Mr. Nulty noted we are investigating whether to take control of  
252 Route 15. Mr. Odit said he did discover that Hinesburg is in the process of doing a similar study on Route 116  
253 through the RPC. He suggested waiting to see those results, since they will be similar. The Selectboard agreed  
254 and discussed the matter further with Mr. Odit.

255  
256 Mr. Nulty asked about the speed study issue raised earlier in the meeting. Mr. Odit said he had not been on  
257 Skunk Hollow Road recently. He and the Selectboard members discussed their observations on the road. They  
258 discussed the study timing and when the results will be available. Mr. Odit noted the paving was scheduled to  
259 occur in early spring, so the study was timed to receive the information and digest it before that occurs. Ms.  
260 Mercer suggested waiting for the results before deciding how to proceed. Mr. Nulty suggested that each of them  
261 drive down the road in the next few days. A member of the public discussed his observations while traveling the  
262 road each day.

263  
264 The Selectboard members discussed the matter further with the members of the public. They also discussed the  
265 speed study. Mr. Odit said the report should be in soon. He and the Selectboard discussed the timing of the  
266 report and the paving schedule. Mr. Nulty reiterated that they should each take a look. Ms. Mercer agreed,  
267 asking that a discussion be included on the next agenda.

268  
269 Ms. Mercer said she looked into recreation committees and she would like to share the information she  
270 gathered. She stated she has spoken with people who are interested. She said there are forty-eight references  
271 to recreation in the Town Plan and there are five tasks at the end of the Town Plan that have to do with  
272 recreation, noting the responsible parties are pretty vague. Ms. Mercer discussed what other towns have in  
273 place. She said we are responsible for addressing these items in the Town Plan. She discussed the various  
274 recreation related committees in Town.

275  
276 Ms. Mercer said she feels strongly the Town could benefit from this, noting it is not just about the Summer  
277 Recreation Program. She said she thinks that could be a good support to reinvigorate the program and support  
278 the Recreation staff. Ms. McMains asked about timing of implementation. The Selectboard and Mr. Odit  
279 discussed possible ways to proceed. Mr. Odit suggested developing a Charter. Ms. Mercer said she has a draft of  
280 one. Mr. Odit said he would add it to the next agenda. He and the Selectboard members discussed the matter  
281 further, including some examples.

282  
283 Ms. McMains asked about the request for Cemetery Commissioners. Mr. Odit stated he has heard from two  
284 people so far, noting we are looking for three. He said it is being advertised and will be again until the positions  
285 can be filled.

286  
287 Mr. Randy E. Clark said one of Mr. Odit's points was the virtual technician, asking if that is a free or paid service.  
288 Mr. Odit said it is free for two years and then it costs \$100 a year. Mr. Clark noted other truck manufacturers  
289 have similar programs; however, there are live technicians within five miles of the Town Garage that are available  
290 most any time you would need them. Mr. Nulty asked about the cost of those programs. Mr. Clark said they are  
291 in the same range.

292  
293 Mr. Randy E. Clark said the similarity of trucks was mentioned, noting the 2010 and 2015 would be the same,  
294 with the exception of the after treatment system. He stated the International can come with the sloped hood for  
295 increased visibility, but it would put the pump at the rear, which is better in many ways as well. Ms. Mercer  
296 asked about the suspension. Mr. Clark said there are other suspensions we can choose from, discussing the  
297 success they have had with the chalmers. He stated they cannot offer the tough track because that is a  
298 Freightliner only.

299 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Selectboard entered Executive Session at 8:42 p.m.**  
300 The motion passed 3-0.

301  
302 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Selectboard exited Executive Session at 8:59 p.m.**  
303 The motion passed 3-0.

304  
305 Ms. Mercer thanked the staff for all of their hard work and research in this matter. She stated the Selectboard  
306 has decided to purchase the Freightliner from Charlebois Company. She said it was a hard decision to make and  
307 the bids were really close, but this is a better truck for the Town at this time. Ms. Mercer said they have a lot of  
308 faith in the Road Foreman and Mr. Odit, so for all of the reasons listed in the memo they are going to go ahead  
309 with the recommended purchase. Ms. McMains and Mr. Nulty agreed it was a really tough decision, but this is  
310 what is best at this time.

311  
312 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Selectboard accepted the quote from Charlebois for a**  
313 **2015 Freightliner 114SD for a sale price of \$109,791, or \$116,428 with warranties.** The motion passed 3-0.

314  
315 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Selectboard accepted the quote from Viking Cives of**  
316 **\$70,440 for the installation of a dump body, snow plow and associated equipment.** The motion passed 3-0.

317  
318 **8. Approve Warrants of 4/18/2014.**  
319 The Selectboard members present signed the warrants.

320  
321 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Selectboard adjourned at 9:11 p.m.** The motion  
322 passed 3-0.

323  
324 Respectfully Submitted,  
325 Amy Richardson

Minutes 5/1/2014

Selectboard Meeting  
May 1, 2014 at 7:00 p.m.  
Jericho Town Hall, 67 Vermont Route 15

**Members present:** Kim Mercer (Chair), Catherine McMains, Tim Nulty

**Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Susan Bresee, Phyl Newbeck, Brian Appleberry, Kelly King

The public hearing was called to order by Ms. Mercer at 7:03 p.m.

**1. Public Comment.**

Ms. Bresee stated she and nineteen other residents are appealing the Development Review Board (DRB) approval of the Dollar General project. She said hearings are scheduled for tomorrow, Monday, and Tuesday, noting this has been in process for eleven months. She said they received a decision from the judge that some of the people on appeal have been disqualified because they did not submit testimony, although they did sign the petition after the hearing. Ms. Bresee discussed how other cases have been treated. She said since some of the people have been disqualified, there is a risk that the petition and the whole appeal would be disqualified.

Mr. Nulty asked why. Ms. Bresee said they might not have ten people, although some of them may qualify as neighbors, noting they wouldn't know for several months. Ms. McMains noted her husband may have been one of the people who signed the petition. Ms. Bresee stated that is immaterial because the Town is automatically an interested party, as are adjoining landowners. She said they have worked very hard on this petition, but they didn't know it needed to be submitted before the hearing. She discussed the steps that have been taken.

Ms. Bresee requested that the Town to file a motion with the Environmental Court to intervene, which would give the appeal interested party status that is needed to move forward. She provided the Selectboard members with a one page summary of the appeal. She discussed the reasons for the appeal. Ms. Bresee said they have requested that the judge denies the permit or make changes that would minimize the impact of the building. She discussed the different possible scenarios.

Ms. Mercer asked what is happening tomorrow. Ms. Bresee answered it is the start of the hearings. Ms. Mercer asked why it would go forward if it is not valid. The Selectboard and Ms. Bresee discussed the matter further. The Selectboard and Mr. Odit agreed that a decision like this requires warning so that the public has an opportunity to comment. Ms. Bresee stated they didn't know until just a few days ago. She discussed the time, money, and effort involved. She discussed the merits of the case and the possible impacts the technicality could have. Mr. Nulty asked how the Town could request a postponement pending our consideration, without deciding the merits. Mr. Odit said he didn't know.

Mr. Odit clarified whether the appellants didn't participate in the hearing. Ms. Bresee stated some of them did and some of them live in the immediate neighborhood. She discussed the number of people involved. She discussed what is required under the DRB Rules of Procedure and the DRB's process, including the timing. Ms. Bresee and Mr. Odit discussed the matter further. Ms. Bresee said they are asking the Town to step in to allow these citizens to go forward because it is being denied based on a technicality. She said they didn't have a lawyer at the hearing, not until after the fact. The Selectboard clarified Ms. Bresee was talking about the DRB hearing and Ms. Bresee agreed. Ms. Bresee and the Selectboard discussed the matter further.



The Selectboard discussed how to proceed, agreeing the court should hear the merits of the case. Ms. Bresee discussed the process and their argument. Mr. Nulty asked Mr. Odit to contact Greg to get his opinion whether we could send something. Mr. Odit said Greg will need to speak to their attorney. Ms. Bresee said their lawyer sent the latest legal step to the Town's attorney, noting that in the ruling it says other interested parties can intervene. The Selectboard, Mr. Odit, and Ms. Bresee discussed the matter further. The Selectboard and Ms. Bresee discussed the impact of a building on the mountain views from Route 15. Mr. Nulty suggested speaking with Greg first thing in the morning to see what options are available.

## **2. Appointment of Chittenden Solid Waste District (CSWD) Representatives.**

Mr. Odit stated Bert Lindholm is the current representative and Leslie Nulty is the alternate representative. Ms. Mercer said they are doing a great job.

On a motion by Ms. McMains, seconded by Mr. Nulty, **the Selectboard reappointed Bert Lindholm as the Town representative for CSWD through May 31, 2016.** The motion passed 3-0. On a motion by Ms. McMains, seconded by Ms. Mercer, **the Selectboard reappointed Leslie Nulty as the alternate Town representative for CSWD through May 31, 2016.** The motion passed 2-0; Mr. Nulty abstained.

## **3. Discussion of Skunk Hollow Road Speed Study Results.**

Mr. Odit presented the results of the recent speed study on Skunk Hollow Road. He stated there were four stations, noting the location of each. Ms. Mercer clarified that two were on the section that was paved all along and two were on the former gravel section. Mr. Odit discussed the results, noting some older results were included for reference. He also discussed the percentage changes in speeds. Mr. Nulty said it clearly shows that the subjective impression that traffic is moving slower is wrong. Ms. McMains agreed, saying that was discussed last time. She noted it is now more unified.

Mr. Odit agreed, stating people are going the speed they were going on the paved portion. He said the most significant change is the volumes, which are up significantly. He stated speed hasn't increased significantly. Mr. Nulty said the impression that speed went down is wrong. Mr. Odit agreed, noting the paving is scheduled to start the end of May, beginning of June. He discussed the cost of installing speed tables and the cost to remove them. Mr. Nulty asked about the cost for two more splitter islands. Ms. McMains stated there isn't any room. Ms. Mercer said she wouldn't want to switch it up like that. She said we need to look at the information and decide if we are comfortable with the speeds or not, then what action should be taken.

Mr. Nulty stated it is also a volume question. He said we didn't want to encourage greater volumes. Ms. McMains noted the comparison of speeds on other roads, noting they are all similar. Ms. Mercer noted that on every one of our paved roads people are going 10 mph over the speed limit. The Selectboard discussed traffic and speeds on Town roads. The Selectboard and Mr. Odit discussed traffic patterns.

Ms. Mercer said we have the data we asked for, although we were hoping it would be different and we could not install speed tables on Skunk Hollow Road. Ms. McMains noted the signs will add visual clutter. Ms. Mercer agreed that more people will complain about them than anything else, but we have to do it. Mr. Nulty asked why not install more islands. Ms. Mercer stated the Engineers said there is not enough room and they are more expensive. She said she would rather do what is cheaper and what is in the plan, noting even if we wanted to remove them, it will be cheaper than anything else. Ms. McMains agreed, noting the size of the signs.

The Selectboard discussed a public information campaign. Mr. Odit said one way to look at it is that speeds increased on a section of the road, not the entire road. He stated it would be hard to make the argument that they increased dramatically, they didn't. The Selectboard discussed the matter further. Ms. McMains noted some discrepancies with the speed profiles on the other roads. Mr. Odit noted the information is from the Regional Planning Commission (RPC) and some of the information is older.

100 Mr. Appleberry said he made a presentation previously and provided the information to the Selectboard. He  
101 stated the data was gathered at the worse time of year, discussing the impact of the frost heaves. The  
102 Selectboard discussed the matter with Mr. Appleberry. Ms. Newbeck asked if it is possible to find out the dates  
103 the studies were conducted and make the comparison. Mr. Odit said the Selectboard could decide to get  
104 another year worth of data. Mr. Odit and the Selectboard discussed cost of speed tables.  
105

106 Ms. Newbeck suggested reducing the visual clutter. She said the splitter islands don't seem to be slowing people  
107 down, discussing her observations. Mr. Nulty and Ms. McMains agreed. Ms. McMains stated there has to be  
108 signs on either side of each speed table. She discussed the rules. Mr. Nulty discussed an example where speed  
109 bumps are effective. The Selectboard discussed the matter further. Ms. King said one speed table, strategically  
110 placed, would be good. She asked if they could have input on the placement. Mr. Nulty asked if she is aware of  
111 the places identified for them to go. Ms. King said yes. Ms. McMains clarified the locations. Ms. Newbeck  
112 suggested putting in the middle one, where there were going to be sets of three. The Selectboard agreed that is  
113 good idea, noting the goal is not to speed up traffic. Ms. McMains stated the Sheriff will be busy for quite some  
114 time.  
115

116 On a motion by Mr. Nulty, seconded by Ms. McMains, the Selectboard approved proceeding with three of the  
117 six speed tables in the original Engineer's drawings, building the middle one from the sets of three and  
118 installing one south of the intersection with Plains Road. The motion passed 3-0.  
119

120 Ms. McMains said they are seeking people to plant in the splitter islands. Ms. King suggested posting a warning  
121 that there were supposed to be three speed tables and this is a compromise, but that is where it is going if  
122 speeds don't come down. Ms. Mercer agreed to post a warning. The Selectboard discussed the matter further,  
123 including speeding concerns on other Town roads. They also discussed safety concerns, walkability, right of way  
124 easements for sidewalks, and the impact of radar feedback signs.  
125

#### 126 **4. Discussion of Town Recreation Committee.**

127 Ms. Mercer said she has a lot of information. She asked the other members how much detail they need and  
128 about the process. Mr. Odit suggested forming a task force. Ms. Mercer asked for it to be on the next agenda,  
129 stating she has people who want to be involved. She said she has developed a list of goals and initiatives. She  
130 said she has also found some interested people. The Selectboard discussed how to get it started and how many  
131 people to start with. They discussed the matter further, including how to proceed and the benefits of having a  
132 committee. Mr. Odit and the Selectboard discussed recreation in Town.  
133

#### 134 **5. Acknowledge Receipt of Bridge Inspection Reports.**

135 Mr. Odit said this is the annual acknowledgement of receipt of the Bridge Inspection Reports. He noted that  
136 none of the reports found issues that need immediate attention. He said the pre-construction meeting for the  
137 Browns Trace Road bridge project will be held soon, discussing who would attend the meeting. The Selectboard  
138 and Mr. Odit discussed the detour during the project. Ms. McMains asked about the bridge that says "scour  
139 critical – immediate action required". Mr. Odit said they would inspect it this summer. The Selectboard and Mr.  
140 Odit discussed the bridge inspection reports further.  
141

142 On a motion by Mr. Nulty, seconded by Ms. McMains, the Selectboard accepted the Calendar Year 2013 Bridge  
143 Inspection Summary Reports. The motion passed 3-0.  
144

#### 145 **6. Acceptance of Mowing Proposal.**

146 Mr. Odit said the person who did the mowing for the Town for many years passed away this winter. He said he  
147 got some quotes for mowing this summer. He discussed the quotes, noting changes to the scope of work. The  
148 Selectboard and Mr. Odit discussed the proposals, noting local quotes were obtained. They also discussed the  
149 scope of work.

150 On a **motion** by Ms. McMains, seconded by Mr. Nulty, the **Selectboard** accepted the proposal from **All Phase**  
151 **Property Management for the mowing and care of Town properties for the 2014 season for \$6,200.** The  
152 motion passed 3-0.  
153

154 **7. Approve Minutes of 10/24/2013 and 4/17/2014.**

155 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Selectboard** approved the minutes of **10/24/2013 as**  
156 **amended; noting line 25 was changed to damage gravestones instead of damage Church.** The motion passed  
157 3-0. On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Selectboard** approved the minutes of  
158 **4/17/2014 as amended.** The motion passed 3-0.  
159

160 **8. Other Business.**

161 Mr. Odit stated he spoke with the electrician about the in-road crosswalk system and got a quote for the solar in-  
162 road system, noting he thinks the cost can be absorbed in the budget. Ms. Mercer clarified what the quote was  
163 for. Mr. Odit explained how the system would work. Ms. Mercer asked when the crosswalk would be repainted.  
164 Mr. Odit said we will repaint after the other system is removed. He discussed the process to fix, noting effort  
165 would be made to ensure it is completed before school starts. Ms. McMains agreed, noting the other system is  
166 costly. Ms. Mercer said she used the crosswalk recently and is amazed how people do stop. She said it would be  
167 nice if there were enough clear sidewalks for older kids to walk to school. Mr. Odit agreed.  
168

169 **9. Approve Warrants of 5/2/2014.**

170 The Selectboard members signed the warrants.  
171

172 On a **motion** by Mr. Nulty, seconded by Ms. Mercer, the **Selectboard** entered **Executive Session at 8:27 p.m.** The  
173 motion passed 3-0.  
174

175 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Selectboard** exited **Executive Session at 9:32 p.m.**  
176 The motion passed 3-0.  
177

178 On a **motion** by Ms. McMains, seconded by Mr. Nulty, the **Selectboard** approved the **Town Administrator's**  
179 **attendance at the Harvard Kennedy School's Senior Executives in State and Local Government Program,**  
180 including paying the tuition thereof, subject to the execution of an agreement by which, the Town Administrator  
181 will agree to staying another five years and that the cost of the program would be spread over that five year  
182 period, with  $\frac{1}{5}$  of the tuition cost being forgiven for every year the Town Administrator stays following  
183 completion of the program. Should the Town Administrator leave, by way of example, after three years, the town  
184 administrator would be responsible for reimbursing the town for  $\frac{2}{5}$  the cost of tuition. The motion passed 3-0.  
185

186 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the **Selectboard** adjourned at **9:34 p.m.** The motion  
187 passed 3-0.  
188

189 Respectfully Submitted,  
190 Amy Richardson

1 **Minutes 5/2/2014**

2  
3 **Emergency**  
4 **Selectboard Meeting**  
5 **May 2, 2014 at 12:30 p.m.**  
6 **Jericho Town Hall, 67 Vermont Route 15**

7  
8 **Members present:** Kim Mercer (Chair), Catherine McMains, Tim Nulty

9  
10 **Others present:** Todd Odit (Town Administrator), Jennifer Murray (Planning and Development Coordinator)

11  
12 The meeting was called to order by Ms. Mercer at 12:30 p.m.

13  
14 **1. Dollar General Appeal**  
15

16 The Selectboard met to consider acting on a request made by Susan Breese at the Selectboard meeting the  
17 previous night. Ms. Breese had requested that the Selectboard join the appellants in order to ensure that the  
18 court hearing scheduled for May 2, 5 & 6 would be held. She had explained to the board the previous night that  
19 there stood a chance that the case would be thrown out due to a lack of standing of the appellants. At that  
20 meeting, the Selectboard directed the Town Administrator to contact the town attorney the following morning to  
21 see if there was any action the Selectboard could take with regard to the appeal.

22  
23 Mr. Nulty explained that he had contacted the Town Attorney who suggested that the Selectboard write a letter  
24 to the court, requesting that the case be heard on the merits, and to identify an issue they had a concern with.  
25 Mr. Nulty drafted a letter and the emergency meeting was called to review the letter and to decide whether or  
26 not to submit a letter to the court. Since the hearing started that morning, May 2, and because the Selectboard  
27 was not aware of the issue until the previous meeting, the Selectboard had to call an emergency meeting in  
28 order to act in a timely matter with regard to the court schedule.

29  
30 The members reviewed the letter drafted by Mr. Nulty, which asked the court to decide the case on its merits,  
31 and stated that the Selectboard was concerned that the proposed Dollar General may not be in conformance  
32 with the Town Plan. The members decided to make slight revisions to the letter to lessen its tone. Staff  
33 suggested removing the reference to the town plan. Mr. Nulty explained that they had to state an issue or a  
34 concern, and that he believed that conformance with the town plan was the best concern to include in the letter.  
35 Members and staff discussed the issue. Following the discussion, the Selectboard members agreed on keeping  
36 the town plan reference in the letter.

37  
38 On a **motion** by Mr. Nulty, seconded by Ms. McMains, the Selectboard approved the letter and submitting it to  
39 the environmental court. The motion passed 3-0.

40  
41 The meeting adjourned at 1:10 pm.

42  
43 Respectfully Submitted,  
44 Todd Odit

1 **Minutes 5/15/2014**

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**Selectboard Meeting**  
**May 15, 2014 at 7:00 p.m.**  
**Jericho Town Hall, 67 Vermont Route 15**

**Members present:** Kim Mercer (Chair), Catherine McMains, Tim Nulty

**Others present:** Todd Odit (Town Administrator), Henry Rackliff, Richard Kemmer, Phil Graff, Paul Luciano, David Villeneuve, Leslie Nulty, Robin Bartlett, Susan Bresee, Don Foote, Peter Booth, Sandra Limoge, Kristen Cheney, Jason Cheney, Beth Hopwood, Jessica Alexander, Stuart Alexander, Ryan Dudley, Bill Swaney, Susan Harritt, Jeff Hill, Bill Bresee

The public hearing was called to order by Ms. Mercer at 7:02 p.m.

**1. Public Comment.**

Mr. Rackliff said he wanted to discuss the recent Mt. Mansfield Union (MMU) budget and election vote. He said the Jericho representative didn't have the key to the box, so she went to get the key and when she got back down there they told her not to bother. He stated they had broken into the box and counted the ballots. Mr. Rackliff explained his concerns, as follows:

- 1) They broke into the box;
- 2) They counted their votes separate from our Town, when they are supposed to commingle all of the votes; and
- 3) We didn't have any of our representatives participate in the vote.

Mr. Rackliff said he called the Secretary of State to ask about the rules. He discussed the information he was given, noting the matter is under the jurisdiction of the Attorney General. He stated he sent the information and pictures to Bill Sorrell. Ms. Mercer asked why they couldn't wait for the key. Mr. Rackliff answered the Bruins were playing. Mr. Rackliff discussed how the process is supposed to work.

Mr. Nulty asked Ms. Alexander about it. Ms. Alexander stated she has seen the ballot box and it is here if they want to see it. She explained the goal of commingling the votes is so that no one knows which towns vote it up or down; it is counted as a District. She said she thought they said they put some votes aside. Mr. Rackliff stated they didn't and even if they did, it is not proper.

Mr. Nulty asked what the remedies are. Ms. Alexander said the Attorney General would be the best person to discuss that with. Mr. Rackliff said he is going to leave it in his hands and this was informational for the Selectboard. He stated it affects us all, regardless of how it turned out. Ms. Alexander noted that Jericho had the most voters participating. The Selectboard and Mr. Rackliff discussed the matter further. The Selectboard thanked Mr. Rackliff for the information and for the action he took.

**2. Adopt Local Emergency Operations Plan - Paul Luciano.**

Mr. Luciano gave an overview of the Local Emergency Operations Plan, noting previous names of the plan. He noted there are financial implications for towns that do not complete the plan. He said the template has changed some, but in essence it is still the same report. Mr. Luciano discussed the changes to the document. He stated the biggest change is that the Town Administrator or Selectboard Chair who signs off on the report must have either Incident Command System (ICS) training 100 or 402. Ms. McMains clarified whether one of them or both of them had to have the training. Mr. Luciano said it is one or the other. Mr. Odit stated he has his certificate. Mr. Nulty asked how much money the State spends to come up with a new name each year. Mr. Luciano said that is an interesting question. The Selectboard and Mr. Luciano discussed the plan further.

51 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard adopted the Local Emergency Operation  
52 Plan as presented. The motion passed 3-0.  
53

54 **3. Appoint Cemetery Commissioners - Stuart Alexander, Brooks Buxton, and Bert Lindholm.**

55 Mr. Odit said at the Town Meeting it was voted to appoint Cemetery Commissioners, but we couldn't elect them  
56 at the same meeting. He said Mr. Alexander, Mr. Buxton, and Mr. Lindholm expressed interest in the three that  
57 were advertised, noting their terms would be until the next Town Meeting. Mr. Odit said he could assist them in  
58 getting started and the Selectboard knows them all. The Selectboard agreed, saying they are all amazing  
59 candidates. They discussed the matter further.  
60

61 On a motion by Mr. Nulty, seconded by Ms. McMains, the Selectboard appointed Stuart Alexander, Brooks  
62 Buxton and Bert Lindholm to the Cemetery Commissioners for terms expiring next Town Meeting. The motion  
63 passed 3-0.  
64

65 **4. Discussion of Town Recreation Committee.**

66 Ms. Mercer stated the people who are interested in serving on the task force were unable to attend tonight's  
67 meeting.  
68

69 **5. Request to Discuss MMU LED Message Sign Proposal - Richard Kemmer.**

70 Mr. Kemmer said he recently sent a letter to the Selectboard articulating that the appeal to the Environmental  
71 Court resulted in a remand to the Development Review Board (DRB) of whether the LED sign meets current  
72 Zoning Regulations. He said the DRB did not rule on that, they punted through Section 4413. Mr. Kemmer said  
73 the last time he was here, the decision was to wait to see what the court decided. He said the court has sent it  
74 back and asked if the Selectboard would be willing to address the DRB, as a friend of the court, stating their  
75 opinions on whether the LED sign would fit within the Town of Jericho and its current Zoning Regulations.  
76

77 Mr. Kemmer stated he attended the last DRB meeting and was not able to get an opinion from them as to  
78 whether they would hold another hearing or whether they were just going to work on the basis of the previous  
79 hearing that was held. He stated his preference would be to have them hold another hearing to gather more  
80 information from the community and perhaps the Selectboard. He asked the Selectboard to bequest that the  
81 DRB consider the ruling from the court that says the lighting aspects of a sign are not exempt from regulation by  
82 the Town under the current State statutes.  
83

84 Mr. Kemmer noted which sections of the Jericho Zoning Regulations apply to lighting of signs. He discussed the  
85 regulations and where they apply. He said the aesthetics of the Town would be affected by the LED sign. Ms.  
86 McMains stated the DRB has to look at the appropriate Zoning Regulations when they review an application. She  
87 said the Selectboard should not get involved at this point; it would be more appropriate to have a joint meeting  
88 with the DRB and the Jericho Planning Commission (JPC) to discuss the regulations. Mr. Kemmer agreed that  
89 during a previous discussion a joint meeting was brought up and he is trying to precipitate a meeting.  
90

91 Mr. Nulty clarified that the DRB must address the issue. Mr. Kemmer agreed. Mr. Kemmer said the Selectboard  
92 had offered to give supporting testimony about the regulations, which is what he is requesting. The Selectboard  
93 and Mr. Kemmer discussed his request. They also discussed the roles of the Selectboard, the DRB, and the JPC.  
94 Ms. Bresee stated she has done a lot of research and is aware of this issue. She said under the March 1980  
95 Jericho Zoning Regulations the DRB did have authority to oversee schools on signs, but after 1980 signs was the  
96 only thing that was dropped. She said that is why the DRB wouldn't rule on it. Ms. Bresee said it looked like the  
97 removal was a potential typo. She stated if the DRB does have the authority and follow Rural Residential,  
98 illuminating signs are not allowed.  
99

100 Ms. McMains stated that is what the DRB will have to review; noting the 1980 regulations are no longer  
101 appropriate, the current regulations apply now. She also noted that State statutes have changed. Ms. Mercer  
102 suggested people attend and participate in the JPC meetings when the regulations are being updated to give  
103 input. She said they work really hard on them and they are steadily being revised and updated. Ms. Bresee and  
104 the Selectboard discussed how the regulations have changed.

105  
106 Mr. Kemmer brought to the Selectboard's attention the fact that the school has requested an Act 250 permit for  
107 this sign, which he has taken exception to as well. He discussed the reasons he opposes the sign and the  
108 sections the sign would violate. He said he has also asked for a stay on this permit due to perceived violations to  
109 the previous permit. Mr. Kemmer discussed what those perceived violations were, noting what steps he has  
110 taken and his observations. He said he is bringing to the Town's attention the potential violations. He stated he  
111 is moving out of Town in June.

112  
113 Ms. Mercer asked if Mr. Kemmer's neighbors or other residents share his concerns. Mr. Kemmer said his sense is  
114 that most people are concerned about the expense for something that is not needed when the budget is so tight.  
115 He discussed his observations, noting there are many other ways to get information. He expressed appreciation  
116 of the Selectboard's efforts, stating he hopes the DRB will rule in favor of the Town, not the school. Ms. Mercer  
117 said the DRB is a very careful and thorough Board. The Selectboard thanked Mr. Kemmer for the update and his  
118 efforts. Ms. Mercer said the Selectboard will plan to meet with the DRB and the JPC to have a general discussion  
119 about the regulations.

120  
121 Mr. Kemmer stated he spoke with Mr. King and asked if the DRB would hold a new hearing or would base a  
122 decision on information gathered previously. He said Mr. King indicated that he serves at the pleasure of the  
123 Selectboard. Ms. Mercer clarified that means he holds an appointed position. Mr. Kemmer said he  
124 misunderstood, thinking that meant the Selectboard could ask him to hold a new hearing. Mr. Nulty said they  
125 could, but it holds no weight procedurally and it is inappropriate. The Selectboard and Mr. Kemmer discussed  
126 how the matter might proceed and how the process works. Mr. Odit suggested Mr. Kemmer contact the Town  
127 Planner to ask her if there will be a hearing.

#### 128 129 **6. Appoint RPC Planning Action Committee Representative.**

130 Mr. Odit said Ms. Murray's term has expired. He recommended re-appointing her to the position. He and the  
131 Selectboard discussed the matter further.

132  
133 On a motion by Mr. Nulty, seconded by Ms. McMains, the Selectboard re-appointed Jennifer Murray as the  
134 Town's Regional Planning Commission Planning Action Committee representative for a term of two years. The  
135 motion passed 3-0.

#### 136 137 **7. Approve Financing for Highway Truck.**

138 Mr. Odit discussed three quotes received for financing the new highway truck. He recommended the proposal  
139 from Baystone. The Selectboard and Mr. Odit discussed the matter, including lease terms and authorized signers.

140  
141 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard accepted the municipal lease-purchase  
142 proposal from Baystone dated Friday, May 2, 2014 and authorized Todd Odit and Paula Carrier as authorized  
143 signatories on the required paperwork. The motion passed 3-0.

#### 144 145 **8. Review Safe Routes to School Scoping Study.**

146 Mr. Odit said when the Town applied to make improvements to the crosswalk at Dickenson Street they offered to  
147 fund a scoping study. He provided a draft of the scoping study, noting he met with the consultant and vTrans to  
148 discuss it. He said the scoping report recommends improvements to the crosswalk at River Road and Route 15.  
149 Mr. Odit said the preferred alternative in the report is an overhead pedestrian beacon, similar to what is near

150 Fanny Allen. He said the other options are to create bump outs to make it a shorter stretch, or to install a  
151 median. He discussed the reasoning, noting it creates a gateway and calms traffic. Mr. Odit suggested trying the  
152 median, stating the beacon could be installed at a later date.

153  
154 The Selectboard discussed the options with Mr. Odit. Mr. Odit stated there is a grant available; the next step  
155 would be design and construction. He said he is getting comments from the State, noting they might push back.  
156 He said if a median is installed, the Town will have to maintain it. Ms. Mercer said the problem with the beacon  
157 is that the last light you encounter coming from the east is in Morrisville; whereas with the one near Fanny Allen,  
158 there are a number of traffic lights in the area. Ms. McMains said we might want to wait for full signalization of  
159 the intersection before spending \$130,000 for engineering of the beacon.

160  
161 Mr. Odit discussed how a light at the River Road intersection might impact future improvements along Route 15,  
162 noting part of this project would be installing a crosswalk at Dickenson Street with the rapid flashing signs. Ms.  
163 McMains asked if that would be like the one at MMU. Mr. Odit said it is the same idea. He stated the consultant  
164 will give a final presentation/public hearing at the June 5<sup>th</sup> meeting; noting that is required to apply for the grant.  
165 He asked if the Selectboard concurs that the River Road and Route 15 area is what they would like to apply for.  
166 The Selectboard agreed. The Selectboard and Mr. Odit discussed the matter further.

167  
168 Mr. Villeneuve asked for a copy of the draft report. The Selectboard provided a copy to Mr. Villeneuve. Mr.  
169 Booth asked about the timing for installing a median. Mr. Odit responded that it would depend on whether the  
170 Town received the grant for designing the structure. He discussed the timing for application and announcement  
171 of grants, saying it would probably be two years before construction could occur and vTrans would be involved.  
172 Mr. Booth clarified the earlier discussion was regarding signalization at River Road versus Dickenson Street. Ms.  
173 McMains said that was the potential. Mr. Nulty noted the criteria have been met. The Selectboard and Mr. Odit  
174 discussed the matter further.

175  
176 Ms. Alexander said she doesn't know how far down Route 15 the study covered. She asked if a crosswalk near  
177 Joe's Snack Bar or Jericho Café & Tavern would be an option. Mr. Odit stated it is too dangerous near Joe's Snack  
178 Bar. He said a certain number of pedestrians have to be met before one could go in near Jericho Café & Tavern.  
179 The Selectboard discussed pedestrian activity in the area.

180  
181 **9. Chittenden Solid Waste District (CSWD) Budget Presentation & Adoption - Tom Moreau.**

182 Mr. Moreau discussed the budget approval requirements. He stated it is a \$9.1 million budget, noting expenses  
183 are up 4.3% and revenues are up 7.3%. He said they have reinstated compost in this budget, saying that without  
184 compost the budget went up a modest amount. Mr. Moreau discussed what happened following the  
185 composting issue a couple years ago. He said another reinstatement within the budget is the local color paint  
186 program, discussing the reasoning. He stated the budget is mostly reinstating programs.

187  
188 Mr. Moreau said personnel costs have increased 0.83% for cost of living, which is the same as the northeast  
189 Consumer Price Index (CPI). He said the budget assumes health insurance costs will increase 15%; noting that if  
190 they do not increase the money will not be spent. He said the tire and appliance round up is being cut, but they  
191 would like to hear if that is a concern. Ms. McMains said she noticed the program was cut and was going to ask  
192 about that. Mr. Moreau said the compost issue was an \$800,000 problem. Ms. Mercer asked about the lawsuit.  
193 Mr. Moreau answered everything has been filed and they are waiting for the judge's decision.

194  
195 Ms. Mercer asked if they could recover money from chemical company. Mr. Moreau answered they would not  
196 recover money from the chemical company. He discussed the composting problem further. He said when a new  
197 chemical was introduced, CSWD approached their insurer to ask if they were covered; the Vermont League of  
198 Cities and Towns (VLCT) responded that they were covered. He said when they filed their claim, it was denied.  
199 Mr. Moreau stated their lawsuit isn't against the chemical company, it is against VLCT; noting that is why we pay



200 insurance premiums. Ms. Mercer said the Town's dues are going up with VLCT. Mr. Moreau stated CSWD's dues  
201 are increasing also. He said the tire and appliance program costs a lot of money and the first year they cut it no  
202 one complained. He stated they are tracking it closely, noting there was an increase in tires collected during  
203 Green Up Day, which is an indicator the program may need to be reinstated. Mr. Moreau discussed concerns  
204 with tires, saying he assumes the program may need to be added back next year.

205  
206 Ms. Mercer asked if they have seedling samples on all compost now. Mr. Moreau said they do, discussing the  
207 compost process further, including testing done and chemicals found. He also discussed chemical safety. Ms.  
208 Mercer asked where CSWD gets manure now. Mr. Moreau answered they do not. He discussed the composting  
209 issue further, noting that as a precaution they now add wood ash to compost to neutralize chemicals. Ms.  
210 Mercer said the lesson is to keep everything local. Mr. Moreau said the manure was local and discussed the  
211 composting matter further. He discussed other examples and some legal implications. He stated CSWD is the  
212 only organization in the nation that can say their compost has been tested, highly tested.

213  
214 Ms. Mercer said without the compost operations, the budget is up a modest 1.9%. She asked Mr. Moreau to  
215 point out the expenses from the compost operation and why it is not breaking even. Mr. Moreau referred to  
216 page F2, column 11, line 136 which shows the program is being subsidized \$221,000 this year. He noted they  
217 also have to put some money into reserves and depreciate all of their equipment, saying they are very  
218 conservative. Ms. Mercer said the difference between the cost of the program and the income is \$140,000,  
219 asking if \$80,000 is for reserves. Mr. Moreau agreed, saying they depreciate all of the equipment and to be very  
220 conservative they take the depreciation amount and put it in the bank for when they have to buy new  
221 equipment. He said they anticipate that in another two or three years the composting program will break even.

222  
223 Mr. Moreau said they lost a lot of organic materials from local companies, noting some of the companies. The  
224 Selectboard and Mr. Moreau discussed other uses for the organic material. They also discussed the impact of the  
225 legislative changes that will be implemented. Mr. Moreau said the material from the industrial accounts is  
226 valuable. He said it is also their mission to keep this stuff out of the landfills. Ms. Mercer discussed a situation  
227 where she witnessed two garbage trucks from the same company in view of each other picking up trash. Mr.  
228 Moreau said that will be something that CSWD will be bringing to the towns in the coming year. He discussed  
229 examples of the costs, noting an advantage and a disadvantage of consolidated collection. He and the  
230 Selectboard discussed the matter further, including the impact to local haulers.

231  
232 On a motion by Mr. Nulty, seconded by Ms. McMains, **the Selectboard adopted the Chittenden Solid Waste**  
233 **District budget as presented.** The motion passed 3-0.

#### 234 235 **10. Discussion of Dollar General Appeal Issues.**

236 Mr. Nulty stated there was a citizen appeal to the Environmental Court of the DRB decision to allow the Dollar  
237 General. He said the Selectboard was concerned the appeal might be thrown out on a technical issue and the  
238 court would not hear the substance of the issue. He said since there was not a warning they could not make a  
239 decision or take a stance, so they sent a letter asking the court to hear the issue. Mr. Nulty said the court  
240 accepted the letter and held the full hearing; now the court is in recess and they are considering what to do. He  
241 said his understanding is the court left the door open for post-trial briefs from interested parties, noting the  
242 Town is an interested party and discussing the possibilities.

243  
244 Ms. Mercer clarified the court will make a decision. Ms. Bresee stated that is correct. Ms. Mercer asked whether  
245 the Selectboard's letter was unnecessary. Ms. Bresee stated the other party decided not to challenge their  
246 standing in exchange for testimony not proceeding at the end of the day. She said five appellants remain and the  
247 other fourteen were disqualified. She said the Town's letter counted as appearance. The Selectboard discussed  
248 interested party status. Ms. Bresee discussed her understanding of the Town's status, saying the last step is the  
249 post-trial brief, which they can choose to do or not to do. Mr. Nulty asked if they are due June 13<sup>th</sup>. Ms. Bresee

250 agreed. Mr. Nulty said the question is whether we want to take any action or discuss this matter. Ms. McMains  
251 said people are here because they think we can stop the Dollar General, but we cannot. She said the issue is  
252 whether we are going to intervene in this issue or fix the underlying problems with the regulations, noting that  
253 intervening here is not going to fix the issue. Ms. Mercer agreed that intervening does not mean overruling the  
254 DRB or the Environmental Court.

255  
256 Ms. Mercer clarified the term should be involved, not intervene. The Selectboard discussed the matter further.  
257 Ms. McMains said the issue is the regulations. Ms. Mercer clarified the Environmental Court will issue a  
258 decision. Ms. Bresee stated they would, but they learned things during the trial that would be interesting to the  
259 Selectboard. She said she wanted to share some information with Selectboard that would help make the  
260 decision about whether to get involved. The Selectboard and Ms. Bresee discussed whether the information is  
261 subjective and part of the record. Ms. Bresee stated some of the items are within the Selectboard's domain  
262 rather than the DRB's domain. She said until now the appellants have pursued this on their own, yet it really has  
263 risen to town-wide importance because of some of the evidence presented and some of the concerns presented.  
264 The Selectboard agreed that they would like to hear the information.

265  
266 Ms. Bresee said what is not subjective is what is in our Town Plan and in our Zoning, which says our goal is to  
267 encourage Village Centers; discourage commercial strip; minimize the appearance of strip development;  
268 encourage multimodal transportation; prevent adverse impacts on neighbors; prevent traffic hazards; protect  
269 natural resources; protect scenic views; protect historic sites; encourage small scale local business, especially for  
270 local agriculture and products; and protect scenic views and roads. She said the reason they went forward with  
271 an appeal is that their position is the DRB did not apply all of those standards taken as a whole. She stated they  
272 applied the lighting and the setback standards, but they didn't provide a forest for the trees.

273  
274 Ms. Bresee said this is not just about a store; it's about what is really important to the Town. She said some  
275 things that came up were that one of our requirements is to minimize the appearance of strip development. She  
276 said the Engineers testified they accepted the template from Dollar General, making minimum modifications to it  
277 to fit the site, and they didn't think about changing the orientation of the building or moving the building away  
278 from the Cemetery. Ms. Bresee said the Cemetery is now a public resource and Commissioners have been  
279 appointed because the Town is now responsible for it. She stated the rule says you are supposed to mitigate the  
280 adverse impact on your neighbors and they testified they did not make those changes to the plan.

281  
282 Ms. Bresee added that our zoning says you are supposed to minimize curb cuts onto Route 15; noting the road  
283 and curb cuts are within the Selectboard's purview. She stated they testified they did not contact the Church or  
284 Jeri-Hill to minimize the curb cuts. She said we have the views to the mountains report in our Town Plan, which  
285 states that Route 15 is a scenic road. Ms. Bresee read a description of strip development, noting that this project  
286 meets every single one of those criteria and they are not subjective, they are objective. She discussed the  
287 reasons we should care about strip development. She stated it is not a small issue.

288  
289 Ms. Bresee said the DRB required a traffic study that was based on the Vermont Transit Handbook and  
290 extrapolated theoretical numbers. She said the study looked at 2/10<sup>ths</sup> of a mile and didn't include the Browns  
291 Trace Road intersection or the Jeri-Hill driveway, which is inadequate. She said the store predicted over 500 trips  
292 annually, noting most will be left-hand turns coming east on Route 15, at night, and in a 50 mph zone. Ms.  
293 Bresee said we don't have any ability to control the road because it is a State road. She said we have talked  
294 about the pedestrian bridge for five years, so when this store creates problems we are not going to be able to do  
295 anything about it. She said the traffic study ignored concepts of cuing and caravanning.

296  
297 Ms. Bresee said regarding the Castle Cemetery, they did geometry presentations about the views to the  
298 Cemetery and if you look at the plan, the building is right in front of the Cemetery. She said their Engineer  
299 testified they didn't consider anything; rather they took the Dollar General template and placed it to make it

300 work with the site. She said our zoning requires that there be no undue adverse affect on the neighbors, protect  
301 historic structures, and there was not any attempt to reduce the impact on the Cemetery. Ms. Bresee said she  
302 thinks the Selectboard has a lot of good reasons to file a post-trial brief. She discussed the level of support  
303 against the project and the money spent on the appeal. She said the Selectboard's choice is to stand by and  
304 watch this happen, or do what they can to try.

305  
306 Ms. Bresee said it is not a small store and it is potentially setting the precedent because projects are evaluated as  
307 to whether they are in harmony with the neighborhood. She discussed an example. She beseeched the  
308 Selectboard to look at the big picture and why it is important that the Town prevent the store from being built.  
309 Mr. Nulty stated his impression was that this was not an attempt to prevent the store from being built, but to  
310 prevent it from being built there as opposed to in a Village Center. Ms. Bresee agreed, stating there is a million  
311 things that could be done to make it better. She said ultimately it is in a 50 mph zone.

312  
313 Mr. Nulty said we have a Town Plan that strongly states we would like to see development like this occur in the  
314 Village Centers. He said nothing in this store that makes it inappropriate for the Flats area, for example. He said  
315 a grocery store of about the same size is currently under consideration for that area. Ms. Bresee agreed, saying  
316 they describe themselves as a neighborhood general store. She said if they were going to be here and they met  
317 all the rules of our Village Centers, then that is where they should be. She stated the Commercial District does  
318 not have one building that is stand alone with access to Route 15 and the buildings there don't meet the  
319 definition of strip development. Ms. Bresee discussed other commercial buildings along Route 15.

320  
321 Mr. Nulty said this is not an opposition to the Dollar General, per se; it is opposition to the location. Ms.  
322 McMains said although she understands, the Town Plan is the vision. She said the Legislature added more  
323 requirements to discourage sprawl, but we have Zoning Regulations the DRB has to review. Ms. Mercer clarified  
324 they have to apply the regulations. The Selectboard discussed the DRB process. They also discussed the  
325 difference between the rules and the vision with Ms. Bresee. Ms. Bresee said the Zoning Regulations states it  
326 must be compatible with the Commercial District. She read the purpose of the Commercial District. She said  
327 under conditional use, the first condition is that it conform with the Town Plan; noting the Town Plan is  
328 enforceable if it has a community standard.

329  
330 Ms. Bresee stated the Town Plan explains that something that can't be in the Village Center is something that  
331 has a large trucking requirement. She said our Town Plan gives helpful, objective information that you could  
332 compare a development to and this doesn't meet those criteria. She said it is not a development that couldn't  
333 be accommodated in the Village Center. Ms. Mercer said she is not sure that the DRB uses the Town Plan as a  
334 decision making guide. Mr. Nulty said it is in the zoning. Mr. Odit said the standard for conditional use is that it  
335 does not have an undue adverse impact on the character of the area as defined in the Town Plan, which is  
336 different than conformance with the Town Plan. Ms. McMains read Section 10.9.3.2. She stated there is a whole  
337 process for conditional use review, noting the determining criteria for the zoning district is the Table of Uses. The  
338 Selectboard discussed what the court will review and how to proceed.

339  
340 Ms. McMains stated she would like to see this energy when the JPC is working on revising the regulations  
341 because we are talking about an individual project right now. Mr. Nulty argued it would already be over. Ms.  
342 Mercer said Ms. Bresee made good points and provided good information. She stated she should apply for an  
343 opening on the JPC or the DRB. She said the question is whether the Selectboard should be involved. Ms.  
344 Mercer discussed concerns with getting involved at this point in the process. Ms. McMains agreed, saying the  
345 best case scenario is that it is sent to mediation and if the Selectboard steps in now, we might not get to see it  
346 again. Ms. Bresee said they might do what they did with the LED sign, which is to remand it back to the DRB.  
347 Ms. McMains disagreed. Ms. Mercer also disagreed, explaining what happened with the LED sign.

348

349 Ms. Bresee said the court did discuss remanding it back to the DRB, noting the options the judge has and some  
350 of the changes being discussed. Mr. Nulty stated if it is sent back to the DRB, they could not be expected to  
351 ignore the arguments. Mr. Odit said if it was remanded back, he would imagine there would be specific  
352 instructions with a narrow scope. Mr. Nulty and Ms. McMains discussed a past example. Mr. Nulty suggested  
353 sending a letter suggesting mediation, noting that is a compromise that has worked in the past. He said the  
354 previous example was very similar and although it cost quite a bit, it was less than tearing the community apart.  
355 Ms. Mercer said she needs to do more research and get more information before making a decision. She stated  
356 this is about process; it is incredible how many people Ms. Bresee got involved in this.

357  
358 Ms. Hopwood stated there was an article in this month's issue of Vermont Life about Dollar General and asked  
359 the Selectboard to consider reading the article. Ms. Mercer stated this has nothing to do with the specific  
360 company, expressing appreciation to Ms. Bresee for keeping it that way. Ms. Hopwood said the article is not  
361 about the company, it is about preserving Vermont's downtowns and the problems of sprawl. She said it is  
362 about how this kind of development erodes Vermont's brand. Ms. Mercer agreed to read it. Mr. Nulty said he  
363 supported Ms. Mercer's choice to not make a decision tonight. Ms. Mercer informed those in attendance that  
364 the Selectboard held an emergency meeting following the previous meeting when the issue came up, discussing  
365 the reasons. She said summarized the content of the letter sent to the court. She discussed the importance of  
366 learning from this process, noting areas that can be improved through this process.

367  
368 The Selectboard discussed the matter further. Mr. Bresee said it sounds like there is a process if the Selectboard  
369 disagrees with the DRB, noting he understands there is a cost to that. He said if they were to sit down and read  
370 the Town Plan and the zoning, as some of them have, and conclude that the DRB was incorrect this time. He said  
371 they implied there is something wrong with the Selectboard challenging the DRB, but isn't that precisely the role  
372 of the Selectboard. Ms. McMains said not really, there are separate channels. Mr. Nulty discussed the roles of  
373 the DRB and the Selectboard. He said there is nothing improper or unconstitutional for us to decide the DRB  
374 made a ruling that is not in the best interest of the Town or not in compliance with the rules. He said we can  
375 change the rules and we can challenge the court; noting we are very careful about this and don't do it lightly, but  
376 from time to time it is our job.

377  
378 Ms. Mercer asked about the example mentioned earlier. The Selectboard discussed the example. Ms. Bresee  
379 stated there is a real possibility this project will be approved and the question will be whether we did everything  
380 we could. Mr. Villeneuve said he would like to touch upon the case of the restaurant, since he applied and he  
381 appealed the decision. He explained that when you go to Environmental Court they demand mediation, which is  
382 part of the process. He stated that is why it took place because the sides agreed, not because it was thrown back  
383 by the court to the DRB. Mr. Nulty asked why the court did not require mediation this time. Mr. Villeneuve said  
384 there was mediation, but he was not privy to all of the arguments. Mr. Villeneuve said Mr. Nulty remembered  
385 incorrectly. Mr. Nulty agreed.

386  
387 Mr. Villeneuve said he is one of the parties and attended the court hearings, but he is not going to present  
388 another side. He said when they went to the DRB, noting they are the Town's representatives, they complied  
389 with and made changes to address any concerns that came up. He said it is their right to appeal the decision, but  
390 there is another side and he doesn't think it is proper for the Selectboard to get involved at this point. Mr.  
391 Villeneuve said the Town representative has looked at it and the judge will decide the case. Ms. Mercer said we  
392 did accept Ms. Bresee's offer to share the information. She said one thing that bothers her is the use of "you  
393 people" and "the Town", stating everyone is the Town. She said it takes everyone to write a Town Plan and  
394 regulations.

395  
396 Ms. Mercer said she is sorry that so much money is involved. She stated we have an amazing DRB; they are  
397 smart, thorough, and fair. She and Ms. McMains said we also have a good staff. Ms. McMains stated it is  
398 important to follow the process. Ms. Mercer thanked Ms. Bresee for raising awareness of the process and hoped

the outcome is that there are more people involved and participating in the hearings, regardless of the result. Ms. McMains said as part of the joint meeting we should have a discussion of lessons learned from this project. Mr. Villeneuve stated he has been involved in a lot of development that could take place in Town and invited anyone who has comments or concerns to contact him. He discussed the projects he is working on, saying his door is open to anyone who has concerns. He stated he has not had one person come to him to discuss any of the business or the projects he is involved in. Mr. Villeneuve said it would be cheaper to work together, but he hasn't found a way to get the input from all areas.

Ms. Mercer apologized to Ms. Hopwood, discussing the reason for her response. She said the regulations don't prohibit certain companies. She discussed another community where there is a Dollar General, noting the article won't be a big surprise. Ms. Mercer said she doesn't know that it is Dollar General's fault; it is everyone's fault. She said all of us need to be involved and make sure the vision is enforceable through the regulations. Ms. Hopwood said we are all in this together and that is the beauty of the article.

Mr. Booth said it is true the DRB are good people who are doing their best; it is also true that good people can make mistakes; and it is true that the Selectboard are people in power and there are things they can do. He agreed it is not to be taken lightly to say to the people they appointed and gave jurisdiction to, that they disagree the decision, but it is within the Selectboard's purview. He stated it is appropriate to say that some citizens have looked at this more closely than the DRB has, because they chose to. He noted the DRB does the best they can with the time they have, the meetings they have, and the information they are given. Mr. Booth said the citizens have done a lot of research, turned over some concerning things, we would like this to be reconsidered, and we think it is appropriate to question the DRB. He said he doesn't think that questioning their decision is disrespectful of them; noting he would argue that the Selectboard is in power and it is an appropriate response of the elected body given the citizen concerns.

Mr. Bresee said if there is a process for that and that role is appropriate, he would hope that when the Selectboard looks at the zoning, as Ms. Bresee has, and if the Selectboard concludes that it does violate the zoning that we can use that process and use that authority to express the view of the Selectboard, as difficult as that may be. Mr. Nulty stated he has read the Town Plan with targeted purpose in the last week and he agrees with Mr. Bresee's assessment. He said if he was on the DRB, he wouldn't be insulted if someone questioned my decision. He said there is a respectful way to do this and there is a respectful way to signal to the judge that we think there are more matters that should be brought into consideration by him, or invite him to remand it to the DRB, so we can go before them to say we think there are some considerations that weren't given full account to last time. He stated that is entirely in our power and entirely appropriate.

Mr. Nulty said it is not disrespectful if done in the right way and this is a big enough deal. He said it is a big deal because of what it will do to future development. He said he thinks it is appropriate and called for to take a position on this, but not tonight. Ms. Mercer agreed she needed to think about it. Mr. Sweeney thanked Mr. Villeneuve for being here and for everyone's compelling arguments. He said he shares the view that this is an exceptional character of a precedential nature, which is why he also asks the Selectboard to consider weighing in on this issue. Mr. Booth asked if there is going to be a conversation about the Commercial District, unrelated to the Dollar General. Ms. McMains said that will be during the June 19<sup>th</sup> Selectboard meeting.

#### **11. Updates from Town Administrator.**

##### Selectboard Meeting Schedule for June & July

Mr. Odit said there will be a regular meeting on June 5<sup>th</sup>, a planning meeting on June 19<sup>th</sup>, to discuss revisions from the JPC on the by-laws and an opportunity for the JPC, the DRB and the Selectboard to talk about a lot of planning issues; noting the Commercial District would be one. The Selectboard discussed the joint meeting. Mr. Odit stated the first meeting in July is the 3<sup>rd</sup>, which may need to be delayed until the following week to set the tax rate.

449 Pedestrian Bridge

450 Mr. Odit said the pedestrian bridge is out for bid. He said bids are due the end of May and he believes the  
451 contract said it needs to be complete by the end of October 2014.

452 Summer Bridge Construction

453 Mr. Odit stated the Browns Trace Road bridge construction will begin soon. He said it will be closed starting June  
454 18<sup>th</sup> for the summer, noting it is possible it could be done sooner than when school starts. He stated the marked  
455 detours will be Route 15 and Lee River Road; noting people will be able to use Packard Road, but it will not be  
456 marked. Mr. Odit discussed alternative routes. He stated portable message signs will be up a week before.

457 Bank Erosion Behind Town Hall

458  
459 Mr. Odit said there has been a significant amount of bank erosion behind the Town Hall since the storms last  
460 summer that need to be fixed. He said it is not on our property, but we caused the damage. He said the only  
461 way to fix it is to get permission from the neighboring landowner to get access. The Selectboard and Mr. Odit  
462 discussed property lines, ownership, and possible insurance claim.

463 Route 15 School Crosswalk

464  
465 Mr. Odit said the price for solar powered flashing beacons is \$6,000, which isn't much more than the speed  
466 feedback signs. He said he is working on permits for the project.

467 Creekside Drive

468  
469 Mr. Odit said Creekside Drive is the street near Dickenson that we took over couple years ago. He said we  
470 notified them that it wouldn't be on the paving schedule anytime soon. He stated it is to the point the pavement  
471 is so broken up that the best thing is to remove the asphalt and leave it as gravel for the time being. Mr. Odit  
472 said that is the plan and they will notify the homeowners.

473 RPC Sidewalk Grant

474  
475 Mr. Odit said we requested \$100,000 and were awarded \$50,000. He said he will go to the Transportation  
476 Enhancements Program to see if we can get the other \$50,000.

477 **12. Other Business.**

478 Ms. Mercer asked about the size of the speed table sign that was at the last meeting. Mr. Odit said it is required  
479 by the Manual on Uniform Traffic Control Devices, which by State law we need to follow. Ms. Mercer asked if  
480 there are any other signs of that size on Skunk Hollow Road. Mr. Odit said some are and some aren't, but by  
481 2018 all signs need to be 36". He said that is the size that was shown, noting we have a lot of 30" signs. He said  
482 we buy them to comply with standard that is being implemented. The Selectboard and Mr. Odit discussed sign  
483 sizes and the differences with private roads. Ms. Mercer asked for an example of a sign that size that she could  
484 visit. Mr. Odit agreed to identify some.

485  
486  
487 Ms. McMains said the letter from the JPC about economic development can be discussed at the joint meeting.  
488 She asked that it be added to the agenda.

489  
490 Mr. Odit said the Selectboard has the agreement and he doesn't have any changes to it. The Selectboard  
491 discussed whether it was a personnel matter and agreed to wait for Executive Session.

492  
493  
494 Mr. Odit said the budget included two new Highway Department positions and an increase of \$0.25/hour once  
495 they completed their probationary period. He said they have completed the probationary period satisfactorily.  
496 On a **motion** by Mr. Nulty, seconded by Ms. McMains, **the Selectboard approved the completion of**  
497 **probationary period raises.** The motion passed 3-0.

499 **Approve Minutes of 5/1/2014 and 5/2/2014.**

500 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard approved the minutes of 5/1/2014 as**  
501 **amended.** The motion passed 3-0. On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard**  
502 **approved the minutes of 5/2/2014 as written.** The motion passed 3-0.

503  
504 **13. Approve Warrants of ~~5/6/2014~~ and 5/16/2014.**

505 The Selectboard members signed the warrants.

506  
507 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard entered Executive Session at 9:51 p.m.**  
508 **The motion passed 3-0.**

509  
510 On a **motion** by Ms. McMains, seconded by Mr. Nulty, **the Selectboard exited Executive Session at 7:01 p.m. on**  
511 **June 5, 2014.** The motion passed 3-0.

512  
513 On a **motion** by Ms. Mercer, seconded by Mr. Nulty, **the Selectboard adjourned at 7:02 p.m. on June 5, 2014.**  
514 **The motion passed 3-0.**

515 Respectfully Submitted,  
516 Amy Richardson  
517

1 **Minutes 6/5/2014**

2  
3 **Selectboard Meeting**  
4 **June 5, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**

6  
7 **Members present:** Catherine McMains (Chair), Kim Mercer, Tim Nulty  
8

9 **Others present:** Amy Richardson (Secretary), Andrew Albright, Robin Bartlett, Roger Dickinson, Bert Lindholm,  
10 Phyl Newbeck, Susan Bresee, Stuart Alexander, Laura Hill, Kathleen Voigt Walsh, Barb Adams, Jessica Alexander,  
11 Helena Gardner  
12

13 On a motion by Ms. McMains, seconded by Mr. Nulty, the Selectboard exited Executive Session from May 15,  
14 **2014 meeting at 7:02 p.m.** The motion passed 3-0.  
15

16 On a motion by Ms. Mercer, seconded by Mr. Nulty, the Selectboard adjourned the May 15, 2014 meeting at  
17 **7:03 p.m.** The motion passed 3-0.  
18

19 The public hearing was called to order by Ms. McMains at 7:03 p.m.  
20

21 **1. Public Hearing: Review two potential crosswalk improvements on Route 15 at Jolley and Dickinson Street,**  
22 **and consider applying for a Bicycle and Pedestrian Program Grant for engineering and construction of the**  
23 **same.**

24 Mr. Dickinson, from Lamoureux & Dickinson, said they reviewed the Mills Riverside area with regard to the  
25 portion of Route 15 between Dickinson Street and River Road. He discussed the first map, noting it shows the  
26 overall study area. He stated this area is a focal point for pedestrian and bicycle traffic. Mr. Dickinson said there  
27 are fairly large residential areas to the west and to the north. He said people want to access the schools, the  
28 library, and the park, so there is a lot of traffic between those destinations and the Jolley convenience store. He  
29 stated there is no direct route to get from Raceway Road to the library, discussing possible routes.  
30

31 Mr. Dickinson noted the pedestrian crossing installed near Jolley was not approved by vTrans, who has  
32 jurisdiction over Route 15, so they will not maintain the pavement markings. He said the Town of Jericho  
33 constructed a sidewalk, primarily on the northerly side of Route 15, which ends just south of the Jolley store. He  
34 displayed a larger scale plan that shows the existing conditions, indicating roads, landmarks, and sidewalks. Mr.  
35 Dickinson stated there is nothing on Dickinson Street, noting it is paved for a bit and then it turns to gravel. He  
36 indicated the crossing location used by most people, stating there are no markings or signage there at all. He  
37 discussed travel patterns, noting they observed pedestrians continuing to the south.  
38

39 Mr. Dickinson indicated the unofficial crosswalk at the edge of the entrance into Jolley. He said they observed a  
40 lot of traffic in this area between the Park and Jolley, with people crossing in different locations. He stated the  
41 area has pedestrian warning signs, noting the locations of the signs. Mr. Dickinson stated Route 15 is traveled by  
42 over 11,000 vehicles per day. He said the speed study on the corner showed an average speed of 36 mph, noting  
43 the speed limit is 35 mph. He said the 85<sup>th</sup> percentile speed was 41 mph, which is pretty high given the curve  
44 and entering village area.  
45

46 Mr. Dickinson said there are a lot of different options for crosswalks, noting the different types. He said all of the  
47 design elements are intended to increase bicycle and pedestrian safety. He recommended at Dickinson Street to  
48 make the crosswalk official with markings and to construct a landing that could be continued in the future as a  
49 sidewalk down Dickinson Street. Mr. Dickinson suggested warning signs and rapid flashing beacons, which are  
50 increasingly popular. He discussed other locations where they are used and discussed the reasons for increased



51 use of beacons, noting the pedestrian still needs to make sure traffic stops before they cross. He stated they are  
52 fairly inexpensive, estimating approximately \$20,000, which is high because they added in some things normally  
53 required by vTrans; the beacons themselves are about \$8,000 to \$10,000 per location. He said this is one of the  
54 primary crossing points and this would make it safer.

55  
56 Mr. Nulty asked about the State's view. Ms. McMains said they have seen it. Mr. Dickinson stated he received  
57 some draft State guidelines earlier this week. He said when speeds are higher than 40 mph they recommend  
58 using these advanced crossing beacons, so it can be justified. Ms. Mercer asked how we know the State will  
59 recognize this crosswalk. Mr. Dickinson stated this one doesn't exist now, it is an unofficial crossing. He noted  
60 another option is to designate it as a school route, which gives it a much higher priority level as far as markings  
61 and other devices. He said the question is whether that is the school's responsibility or the Town's responsibility.

62  
63 Mr. Albright pointed out there is now a bus stop at end of this crossing. He said although the school route is  
64 intriguing, since there is a pedestrian destination on the east side of Route 15 doesn't that count for something.  
65 Mr. Nulty noted a school route is not exclusive. Ms. Mercer stated that is a temporary location for the bus stop.  
66 Ms. McMains clarified he is saying wouldn't the bus stop add some weight to the situation. Mr. Dickinson  
67 agreed, noting the bus doesn't stop on Route 15, it pulls off. Mr. Albright said it is assumed that people will walk  
68 to the bus. Mr. Dickinson agreed it certainly is a plus.

69  
70 Mr. Dickinson stated at the River Road intersection where Jolley is located, the principal problem is sight  
71 distances; in order for pedestrians to cross the road safely, they need to see traffic far enough to cross before a  
72 vehicle arrives at the location. He said they measured the sight distances and they are good to the north toward  
73 Underhill, but around the corner there are obstructions. He discussed the current crosswalk location with  
74 regards to pedestrian safety. Mr. Dickinson stated the crosswalk is unsafe in its present location to cross the  
75 entire Route 15, which is the State's primary objection. He said if it is moved to the south, so it is more in the  
76 apex of the curve, you can gain enough sight distances to make it safe. He noted there is the added problem of  
77 high traffic volume and there are not enough gaps.

78  
79 Mr. Dickinson said the question is how we create gaps in traffic. He said one possibility is a pedestrian safety  
80 island in the middle of Route 15, referring to a picture in the report. He discussed how that would improve  
81 pedestrian safety. Mr. Dickinson also recommended a pedestrian hybrid beacon, explaining it is a simplified  
82 traffic signal. He said there is one in front of Fanny Allen and discussed how they work. He said the thought was  
83 to install the island and in the future apply for the beacon if it is needed. Mr. Dickinson stated this is fairly  
84 expensive, noting all the work is approximately \$100,000 or more, which is why they are suggesting phases. He  
85 said the two crossings, Dickenson Street and in front of Jolley, will improve pedestrian safety and accommodate  
86 traffic in this area.

87  
88 Ms. Bresee asked about the bright green where the crosswalk goes across from Jolley and whether they are  
89 suggesting changing the dimensions of the road. Mr. Dickinson explained that with an island there would not be  
90 all the green, just a small area where the curbing would be installed to make the crossing shorter and reduce the  
91 exposure and the time required in the crosswalk. He stated it would reduce the width to 30' from curb to curb;  
92 with a 6' wide island and two 15' lanes on either side of island. He discussed the curve of the road, noting the  
93 wide shoulder would be narrowed a bit.

94  
95 Ms. Bresee asked if drivers turning onto River Road would make a more explicit turn, rather than a straight shot.  
96 Mr. Dickinson agreed it could be, discussing changes to the intersection through the years. He said the paved  
97 shoulder still exists on the inside of the corner. Ms. Bresee clarified the island would cause some shifting. Ms.  
98 McMains noted the island also acts as traffic calming. Ms. Bresee said pedestrians would cross half the road at a  
99 time. Mr. Dickinson agreed.

Ms. Mercer asked if the beacons at Jolley and Dickenson Street would be the same. Mr. Dickinson said no, discussing the differences between the two beacons. The Selectboard and Mr. Dickinson discussed the different types of beacons and locations where they are used. Mr. Albright noted locations of other beacons that are similar. Mr. Dickinson stated the beacon near Mt. Mansfield Union High School (MMU) is regular flashing. He said the rapid flashing is random, noting it is brighter with LED lights and grabs your attention. He stated people become desensitized to regular flashing beacons or signs.

Mr. Albright asked if they would be solar powered or utility powered. Mr. Dickinson said they can be either, noting the cost is about the same either way. He discussed the differences and the importance of sizing solar for winter sunlight conditions. Mr. Albright said solar simplifies installation. Mr. Dickinson agreed.

Mr. Bartlett said he is happy to hear that the traffic going through there is 36 mph, noting people were saying speeding was a big problem in the area. He stated he has sat in different locations around Jericho and did not see the issues people are talking about. Mr. Nulty clarified the 85<sup>th</sup> percentile was 41 mph. Mr. Bartlett said he spoke with some firemen to ask how many times they have been to Jericho Center for accidents, noting they have been there twice for very minor accidents. He stated the story in Jericho Center doesn't add up. He discussed traffic concerns raised during previous meetings.

Mr. Nulty clarified the 85<sup>th</sup> percentile is 41 mph, which means 15% are going faster than 41 mph. Mr. Bartlett said he lives on Browns Trace Road where the speed limit is 35 mph, but people drive 40 to 45 mph. He and the Selectboard discussed speed limits and prevailing speeds. Mr. Bartlett said the signs in Jericho are screwed up, discussing speed limits on various roads. Mr. Albright said on Old Pump Road very few people drive 35 mph. He discussed an accident that occurred years ago due to speeding.

Ms. McMains said this hearing is about the crosswalk issue. She said the traffic speeds and other issues are being addressed in the Transportation Plan, which will have a public hearing also. Mr. Bartlett discussed a conversation he had with Vermont State Police following their meeting with the Selectboard about speeding in Town. Ms. McMains said the Selectboard has to listen to all constituents. Ms. Bresee said this is pedestrian focused. She stated the data shows a dramatic difference in a pedestrian hit by vehicle going 30 mph versus 40 or 45 mph with regard to the chances of survival. She said the speed limit has to take into account all of the people trying to use the road, so what is good for cars and what is good for pedestrians has to come together. Ms. McMains thanked Mr. Dickinson for his presentation.

Ms. McMains closed the public hearing and called the regular meeting to order at 7:37 p.m.

## **2. Public Comment.**

Mr. Albright said in the 22 years he has lived on Old Pump Road, he has watched the grader hack it up. He stated they did it today and it was the worst he has ever seen. He said he took some pictures, but his printer was not working. Mr. Albright discussed the row of material on the side of road, which is preventing water from flowing off the road, noting it was at least 1' high. He said ideally the water should drain off the road slowly. Mr. Nulty said this issue has come up multiple times, so it is good to have a specific example.

Mr. Bartlett said he spoke with Randy Clark today about the Rivers' property. He asked for an update, noting he does not know why the Town is considering buying it. Mr. Nulty discussed the negotiations between the Town and the Fire Department, saying they started last year. He stated the negotiations came to initial successful conclusion recently, with the negotiating teams agreeing to the terms, but the Town and the Fire Department both have to put it to a vote. He said the Town cannot have votes just anytime, so they decided to hold the vote at election time in November. Mr. Nulty said the Fire Department can move faster, but a vote will still take some time. He stated both parties agreed to include in the tentative deal that if another offer came along that provided a better deal for both sides that they would both consider it.

151 Mr. Nulty said shortly after that an offer of an offer was made. He explained the Town was always going to  
152 negotiate with a developer and a developer came along with ideas and money. He stated the parties have  
153 started the negotiating process, but it is not going very fast. Mr. Bartlett said that would bring some tax money.  
154 Mr. Nulty agreed, noting the concept was to organize a purchase that at the end of the day doesn't cost the Town  
155 money. He said the original deal with the Fire Department had that characteristic. He said this possibility  
156 appear to be better and will shortcut the process.

157  
158 Mr. Nulty said everything has looked good so far and all three sides like the direction. Ms. McMains explained  
159 that is why it has not been on an agenda. Mr. Bartlett stated he walked through the barn and it is beyond repair.  
160 Mr. Nulty said he hopes not. Mr. Bartlett and Mr. Nulty discussed the matter further.

161  
162 **3. Review and consider for approval a request from the Trails Committee to apply to the Bicycle and**  
163 **Pedestrian Program for a scoping study of creating a link from the western end of Lee River Road to the**  
164 **existing sidewalk system in Jericho Corners - Trails Committee.**

165 Ms. Gardner stated the vTrans Bicycle and Pedestrian Program limits municipalities to applying for one  
166 construction study and one scoping study each year. She said you just heard the product of a scoping study that  
167 may lead to an allocation for construction. She said her understanding is that if you want have a successful  
168 application for construction, you need to have a scoping study in the pipeline; this would add a scoping study in  
169 the pipeline. Ms. Gardner said the vTrans Bicycle and Pedestrian Program looks favorably on scoping studies  
170 where the project fosters transportation related connectivity and addressing safety issues. She provided the  
171 Selectboard with a map of the triangle, indicating Lee River Road, Browns Trace Road, and Route 15. She  
172 discussed the map, noting they have highlighted in green the area of interest.

173  
174 Ms. Gardner stated the map is a work in progress, noting there is a bike/pedestrian mapping study that is  
175 underway that is part of the overall transportation planning process. She indicated an area where there is a  
176 Town held easement to nowhere, which is parallel to the old railroad bed. She said the scope of the study would  
177 be to evaluate bike/pedestrian improvements for the western portion of Lee River Road to Route 15 and to make  
178 a safer situation at the end of Lee River Road. Ms. McMains clarified the location. Ms. Gardner said just at the  
179 end since there are some developments that could benefit from it, discussing the developments. She discussed  
180 current paths in the area. She noted there are potentially some land issues there. She stated the purpose of the  
181 scoping study is to identify the options and potential costs of those options.

182  
183 Ms. Gardner said there is also the issue of the lack of a safe crossing at the end of Lee River Road at Route 15.  
184 She said if it is a vTrans scoping study, the cost to the Town is 10%, noting the studies average between \$20,000  
185 to \$30,000. She said this is not a large scope for a study. Ms. Gardner said they have a number of criteria for a  
186 successful application, discussing some of the factors benefiting their potential application. Ms. McMains asked  
187 about the timeline. Ms. Gardner stated the application is due June 27<sup>th</sup>. Ms. Mercer clarified the application  
188 would be to connect neighborhoods off Lee River Road to neighborhoods off Route 15. Ms. Gardner said it  
189 would be to connect to Route 15 and the amenities located there.

190  
191 Ms. Mercer and Ms. Gardner discussed the different identified areas of the map. The Selectboard agreed this is  
192 encouraging. Ms. Mercer said she wished the green line could go further to the west. She said there are friendly  
193 easements there and suggested the area could be included in the scope. She discussed sidewalk work in the  
194 area done previously, noting there are two neighborhoods to the left, technically in the Village Center. Ms.  
195 McMains said technically they are just asking for Lee River Road. Ms. Mercer discussed the other roads involved,  
196 saying she would like to see the area included. Ms. Gardner clarified to the border of Town. The Selectboard  
197 and Ms. Gardner discussed the area to be included in the study further. Mr. Nulty asked about the effect of such  
198 a request. Ms. Gardner said they could amend the statement, noting the reason they are here is to get input.  
199 Ms. McMains agreed that makes sense.

201 On a motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard supported the request, asking the Trails  
202 Committee to consider expanding the scope to include Route 15 to the border. The motion passed 3-0.

203  
204 Ms. Gardner stated the map she provided is a blow up of a section of a bigger map that does have a legend,  
205 which she showed the Selectboard. She and the Selectboard discussed the map. Ms. Mercer asked about the  
206 status of the trail near the Winooski River. Ms. Gardner said she wasn't at the meeting on Tuesday, but John  
207 Abbott sent an e-mail update. She noted who attended the meeting, stating the parking area is a lynch pin. She  
208 said they need to have a Section 1111 permit and they came up with a plan. Ms. Gardner discussed the  
209 challenges with the parking area and the timing for the permit.

210  
211 Ms. Mercer clarified that there is not yet a path. Ms. Gardner agreed, saying the Trails Committee wants to start  
212 working on it this summer now that the parking is looking favorable. She stated they would probably need to  
213 discuss resources for improvements. Mr. Nulty asked for a download of the full map. Ms. Gardner agreed to  
214 send it. The Selectboard discussed sidewalks in Town. They thanked the Trails Committee for their work.

215  
216 **4. Approve Application to Pedestrian and Bicycle Program for Construction Grant for Route 15 Crosswalk**  
217 **Improvements.**

218 Ms. McMains said Mr. Odit updated her to let her know that vTrans wanted to do both. She said they were  
219 concerned someone would get stuck in the median.

220  
221 On a motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard approved applying for a Bicycle and  
222 Pedestrian Grant for crosswalk improvements on Route 15 and committed to providing the required 10%  
223 match. The motion passed 3-0.

224  
225 **5. Discussion of Energy Grant Projects.**

226 Ms. Walsh said the last time they were here they talked about the Jericho Energy Task Force (ETF) receiving an  
227 award for the home energy challenge of \$10,000. She said the money has to be used on a project to make a  
228 building more energy efficient, discussing buildings that are eligible. She said they chose to research the Jericho  
229 Town Library, noting it has been audited and they have the report in hand. Ms. Walsh said unfortunately they  
230 discovered standing water in the crawl space under the library. She stated the standing water creates  
231 complications, noting the building has much work that could be done to improve it, including weatherization.  
232 She discussed the challenges posed by the standing water.

233  
234 Ms. Walsh stated the building is already at risk in terms of the moisture, which could cause damage to the wood  
235 and structure, and to the contents of the building. She said the second problem is that the foundation seems to  
236 have some cracks and be of insufficient depth, noting that when the building was moved a true foundation  
237 meeting specifications was not put in place. She discussed the foundation issue further. Ms. Walsh stated it is  
238 more complicated than they had hoped. She said in her opinion the library needs the weatherization, but the  
239 building itself is at risk now and needs to be addressed for the welfare of building and the library. She stated  
240 Efficiency Vermont said weatherization in this building, as it currently stands, wouldn't meet expectations.

241  
242 Ms. Mercer asked about an alternative plan. Ms. Walsh said her preference would be money to repair the  
243 library. Ms. Mercer asked about the deadline to apply for the money. Ms. Walsh stated they were awarded the  
244 money and they have a timeline of June 1<sup>st</sup>, but that has been extended to end of June. She said Efficiency  
245 Vermont will work with them to help them use the grant. Ms. Mercer asked what the next building on the list is.  
246 Ms. Walsh said there are several options, the Community Center, the Town Garage, and the Town Hall. She  
247 noted some improvements that could be made, noting she doesn't know if they would meet Efficiency Vermont's  
248 guidelines. Mr. Nulty asked which nets the biggest bang for the buck. Ms. Walsh answered that is the purpose of  
249 an energy audit, noting the grant only covers one and that was already spent.

251 Mr. Nulty clarified the grant does not cover another audit, just action. He said we should only spend it on  
252 something we have audited. Ms. McMains said we have audited the garage. Ms. Walsh stated the Community  
253 Center they are very sure conforms to Efficiency Vermont expectation, noting the Town supports the Community  
254 Center with its budget and there is Town benefit. She said they have done foundation work and are willing to  
255 pay for the audit, which would be a great opportunity for the Town. The Selectboard and Ms. Walsh discussed  
256 the matter further.

257  
258 Mr. Albright said the Town Garage audit was done in 2009, with a block grant in 2012 that paid for a lot of  
259 improvements. Ms. Mercer said there wasn't enough to fund all of the work. Ms. Newbeck said it is not only  
260 what gives us the biggest bang for our buck; the award has to be spent by the end of the year. She stated that is  
261 why the Community Center seems less than viable because the audit has not been done yet and there are similar  
262 problems. She said although ideally we would love to have a building everyone can look at and benefit from,  
263 using it as an educational opportunity, the Town Garage meets the parameters of the grant. Ms. Mercer stated it  
264 is an energy hog. Ms. Walsh said she has a different opinion about what might be the best project. Mr. Nulty  
265 asked if it can happen. Ms. Walsh answered absolutely.

266  
267 Ms. Adams from the Jericho Town Library said they were excited to participate in this grant and they wondered if  
268 they were still eligible for the grant; whether they would allow them to do the energy efficiency work, if in next  
269 year's budget they agree to work on the foundation. She stated it is a viable Town building they want to  
270 preserve. She said they don't want to lose the whole opportunity for the grant, if it might be an option to do the  
271 energy grant work first and the foundation second. Ms. Adams wondered if, in a future budget, we could  
272 consider money for the Library's foundation. Ms. McMains said the difficulty is that Ms. Murray is working with  
273 the architect and the engineers for renovations on the Library and the capital budget planning starts in October.  
274

275 The Selectboard, Ms. Walsh, Ms. Newbeck, and Mr. Albright discussed the matter further. Ms. Adams asked  
276 what the Library's approach would be to get some work done on the foundation. Ms. McMains said the capital  
277 budget process will start in October. Ms. Adams clarified they should attend those meetings. Mr. Nulty said the  
278 first question is whether Efficiency Vermont will consider the proposal. Ms. Adams agreed. The Selectboard and  
279 Ms. Adams discussed the matter further. The Selectboard thanked all of the volunteers.

## 280 281 **6. Receipt of List of Unlicensed and Unvaccinated Dogs and Wolf-hybrids.**

282 Ms. Alexander discussed the list of unlicensed and unvaccinated dogs and wolf-hybrids, noting the decrease  
283 since May 19<sup>th</sup>. She provided statistics and packets of information to the Selectboard. She discussed the number  
284 of dogs registered back to 1990. Ms. Alexander also discussed the trends in the number of letters sent. Ms.  
285 McMains noted 2009 was a big year. Ms. Alexander stated 2009 was when we stopped sending a reminder prior  
286 to April 1<sup>st</sup>, due to postage expense. She said e-mails now reach some of those people. She provided a sample  
287 second letter, from the previous year.

288  
289 Ms. Alexander discussed what is included in the mailing and how many were sent last year. She also discussed  
290 the process. She then discussed the fees, including what portion is remitted to the State and how much was  
291 remitted this year. Ms. Alexander said if the Town waives the fee, it could cost up to \$4,000 if all of them were  
292 registered by April 1<sup>st</sup>. Mr. Nulty stated his concern is that the dogs don't get vaccinated. Ms. Alexander noted  
293 on the current list there are 36 dogs that aren't vaccinated, noting some paid the fee and are waiting to get the  
294 vaccine with the veterinarian. She discussed the response from most people. She said she doesn't think we  
295 have to decide about the incentive tonight, but it should be considered during the budget process.

296  
297 Ms. Mercer said it is so little money and having a dog is expensive anyway, that most are used to the fee. Ms.  
298 McMains said they are just brainstorming ways to get people to do it earlier. Ms. Mercer said she remembered,  
299 but it is \$8. Ms. Alexander said she thinks it would make a difference, noting they are good for three years, so  
300 they could mail out tags in January for dogs that are current. Mr. Nulty said he would like to think about it,

301 noting he is more concerned about the vaccines. He discussed his reasoning, stating it is a public health matter.  
302 He said the purpose is to get dogs vaccinated. Ms. McMains agreed, noting the State provides vaccinations. She  
303 noted it doesn't look like there are dogs that are multiple years behind. Ms. Alexander said there is just one.  
304 The Selectboard and Ms. Alexander discussed the matter further.  
305

306 Mr. Bartlett suggested including the dog license fee with the property tax bill. Ms. Alexander noted the March  
307 15<sup>th</sup> installment is before April 1<sup>st</sup>. The Selectboard agreed that is a good idea. Ms. Walsh asked if Ms. Alexander  
308 would post the information on Front Porch Forum. She also asked how the Town keeps track or finds out about  
309 dogs coming into the Town. Ms. Alexander said it is difficult, noting the ways they find out. Mr. Nulty said he  
310 thinks the number of outlaw dogs isn't very large, but it is hard to know. Ms. Alexander discussed a recent dog  
311 census that was done and the approach. Ms. Walsh suggested also posting a notice where people walk their  
312 dogs with the information about the steps. Mr. Nulty and Ms. Alexander agreed that is a good idea. The  
313 Selectboard and those present discussed the matter further, including dog adoptions and rescues.  
314

315 On a motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard approved sending out the same letter as  
316 last year. The motion passed 3-0.  
317

318 **7. Approve Resolution of Need and Contract for Financing of New Highway Truck.**

319 Ms. McMains stated the acceptance of financing for the truck was approved at the last meeting, so now we have  
320 to sign the resolution of need and authorize her to sign the documents by June 15<sup>th</sup>.  
321

322 On a motion by Ms. Mercer, seconded by Mr. Nulty, the Selectboard approved the resolution of need and  
323 authorized Catherine McMains, in her capacity as current Chair of the Selectboard, to execute the truck  
324 financing contract with the Kansas State Bank of Manhattan. The motion passed 3-0.  
325

326 **8. Consider Submitting Post Trial Brief to the Environmental Court RE: Dollar General Appeal.**

327 Mr. Nulty distributed copies of the draft to those in attendance, noting it was also posted online. He gave a brief  
328 history that resulted in the draft being considered. He said all of the parties, noting the Town is a party ex officio,  
329 were invited to file post trial briefs. Mr. Nulty explained the purpose and limitations of post trial briefs. He said  
330 the Selectboard members discussed the matter among themselves and with the Town lawyer following the last  
331 meeting. He said they worked with an attorney to draft something meaningful and accurate, which is before us.  
332

333 Mr. Nulty said the Selectboard members are broadly in agreement on the policy; they are not comfortable with  
334 that Dollar General in that location. He stated it does not conform to the regulations and the Town Plan. He said  
335 the view has been that the Plan is to provide the overall framework and if there is ambiguity in a specific  
336 regulation, then you would refer to the Plan. Ms. McMains discussed the power and authority of the  
337 Selectboard in this situation. Mr. Nulty agreed and discussed the guidance of the attorney when preparing the  
338 draft post trial brief. He noted that as founders of the documents, the Selectboard can help with understanding  
339 the intent. He discussed how the court process works.  
340

341 Mr. Nulty summarized and read from the draft document. He discussed the intent of the regulations and the  
342 Town Plan with respect to this project. He stated the Selectboard wants to make it clear that their view has  
343 nothing to do with opposition to the Dollar General or other retail establishments. Mr. Nulty stated they have no  
344 problem with Dollar General existing in Jericho; the problem is with any retail store being located in that spot.  
345 He said the point of this is to focus on the very clear purpose and policy of the development plans of the Town,  
346 which have been developed over many years, with strong history and strong language. He explained the  
347 message is that we don't think this project complies with the Zoning Regulations or the Town Plan in that  
348 location. The Selectboard discussed the matter further.  
349

350 Mr. Lindholm said Mr. Nulty missed the whole issue. He stated he sat for three days in court, and the judge and  
351 the court only looks at the zoning regulations. He said they turned the Town's letter down that was submitted  
352 because it referenced and talked about the Town Plan. Mr. Lindholm said you have to focus only on the zoning  
353 ordinance. The Selectboard members said the zoning refers to the Town Plan. Mr. Lindholm said if they want  
354 this letter to go to the judge, they can only refer to the zoning and not the Town Plan. He said those are the  
355 specifications for the hearing; the Plan is an idealistic thought. He stated the judge is applying the zoning  
356 regulations to the plan.

357  
358 Mr. Nulty disagreed, stating the Land Use and Development Regulations refer to the Town Plan. He explained his  
359 reasoning. Mr. Lindholm disagreed, noting he should've been in court and presented to the judge. He discussed  
360 the hearing further. Mr. Nulty discussed the advice of the lawyer and an example. Ms. Mercer asked if it is  
361 quoted in the letter. Mr. Nulty said yes. The Selectboard discussed the section, the regulations, and the Town  
362 Plan. Ms. Mercer said the information should be in the first paragraph. The Selectboard continued to discuss  
363 the matter. Mr. Nulty agreed to make the change. He read from the letter, noting it violates both the Zoning  
364 Regulations and the Town Plan, which is incorporated by reference. He said the issue is the presentation, not the  
365 substance. Ms. Mercer stated it is a way to strengthen the message.

366  
367 Mr. Lindholm said the briefs are due by June 13<sup>th</sup>. The Selectboard agreed, noting they are aware of the  
368 deadline. Mr. Nulty and Mr. Lindholm discussed the matter further, including representation for the Castle  
369 Cemetery. The Selectboard discussed roles and intervening in Development Review Board (DRB) matters.

370  
371 Ms. Bresee said she has definitely learned a lot and there are many things she wished she had done differently.  
372 She expressed appreciation for the strength of the Selectboard's position and for the feeling they are willing to  
373 stand behind the Plan and the regulations. She said the DRB did their best and she thanked the Selectboard for  
374 their efforts, noting she hopes they decide to submit the brief. Ms. Mercer stated they have. She said this is the  
375 first public discussion they have had about the document. She stated Ms. Bresee's input is very valuable to her.  
376 Ms. Mercer said it is important to hear from people who were there.

377  
378 The Selectboard discussed revisions to the document further. Mr. Nulty discussed the legal system and the  
379 Selectboard's roles and responsibilities. He also discussed an example. He stated the judge has a responsibility  
380 to listen. Mr. Lindholm said having written the original zoning in Jericho and having sat on the Jericho Planning  
381 Commission (JPC) for 15 years; walking into the court room was a different experience entirely, in terms of how  
382 the ordinance was being heard. He stated only zoning aspects were being considered. The Selectboard  
383 discussed the matter further.

384  
385 Ms. Hill said she was a party to the case, but was kicked off. She explained the reason was related to a  
386 misunderstanding about participation at the DRB hearing. Ms. McMains referenced the Interested Persons Law.  
387 Ms. Hill said they didn't think they had to legally speak opposition in order to remain an interested party. Mr.  
388 Nulty discussed the importance of making that clear at the beginning of every hearing. Ms. Hill said she didn't  
389 know that and she wanted to participate, but didn't understand the guidelines. She expressed appreciation to  
390 the Selectboard for writing to the court. She said she has talked with many people, but nobody has time to  
391 attend these meetings.

392  
393 Ms. Hill stated she appreciates the Selectboard's work. She said no one she knows thinks this was a good idea,  
394 but they didn't have the time or the energy to do this. She said thankfully Ms. Bresee and Mr. Lindholm and  
395 others did. Ms. Hill discussed the reasons she moved to Jericho, noting she loves what this Town does and the  
396 many wonderful qualities. She thanked the Selectboard. Ms. Mercer urged everyone to get involved, to come to  
397 hearings when regulations, plans, and budgets are being discussed. Ms. McMains agreed, it is important to  
398 attend public hearings when adopting them. Mr. Nulty also agreed, noting the impact.

400 Ms. Hill said she doesn't know anyone who wants Dollar General. Ms. Mercer stated that is not the issue. Ms.  
401 Hill said that is part of what's being talked about. Ms. Mercer clarified this needs to be addressed, discussing the  
402 reasons. She asked everyone to get involved early in the process, learn the rules, or talk about it so other people  
403 know what's going on. Mr. Nulty noted that some of the Front Porch Forum stuff got a little touchy, liberal versus  
404 not liberal issue. He stated Vermont is one of three states that do not allow billboards and discussed the reasons  
405 for the rule. Mr. Albright noted that every year for the last 50 years, someone introduces a billboard law. The  
406 discussed the matter further.

407  
408 Ms. Hill said the choice about the type of community you want to live in and how you want to see it grow is  
409 important. Ms. McMains discussed the growth center concept. Mr. Nulty said that is a statewide point of view.  
410 Ms. Mercer stated the DRB did a good job; thoughtful, conceptual planning, but they don't match up. Ms. Hill  
411 agreed there is another step after this is to look at the regulations. Ms. McMains said the JPC is currently looking  
412 at the Commercial District and how it should be developed.

413  
414 Mr. Lindholm discussed the importance of ensuring everyone understands the statement Mr. King makes at the  
415 beginning of the hearings. He discussed the impact it has had in this situation. Ms. Bresee, Mr. Lindholm, and  
416 the Selectboard discussed interested party status.

417  
418 On a motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard decided to send a post trial brief, broadly  
419 this draft, with the thrust recommended by town attorney, but with amendments and changes recommended  
420 by Ms. Mercer, wordsmithing, and correcting typos that do not change the content. The motion passed 3-0.

421  
422 **9. Approve Minutes of 5/15/2014.**  
423 On a motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard approved the minutes of 5/15/2014 as  
424 amended. The motion passed 3-0.

425  
426 **10. Other Business.**  
427 Ms. McMains said the next meeting will be held jointly with the Planning Commission and DRB. Mr. Nulty said  
428 we should ask Mr. King about the language used at the hearings. Ms. Mercer said she would like to ask staff to  
429 change the setup of the room before the meeting. The Selectboard discussed the meeting further, including  
430 format, room setup, and training.

431  
432 **11. Approve Warrants of 5/15/2014, 5/19/2014 and 5/30/2014.**  
433 The Selectboard members signed the warrants.

434  
435 On a motion by Ms. Mercer, seconded by Mr. Nulty, the Selectboard adjourned at 9:31 p.m. The motion passed  
436 3-0.

437  
438 Respectfully Submitted,  
439 Amy Richardson



1 **Minutes 6/19/2014**

2  
3 **Selectboard Meeting**  
4 **June 19, 2014 at 7:00 p.m.**  
5 **Jericho Town Hall, 67 Vermont Route 15**

6  
7 **Members present:** Catherine McMains (Chair), Kim Mercer, Tim Nulty

8  
9 **Others present:** Jennifer Murray (Planning & Development Coordinator), Amy Richardson (Secretary), David  
10 Villeneuve, Leslie Allen, Samantha Dunn, Joseph Flynn, Matt Zambarano, Stephanie Hamilton, Jon Willard,  
11 Wayne Hendee, Robin Bartlett, Don Foote, Peter Booth, Brian Stevens

12  
13 The public hearing was called to order by Ms. McMains at 7:03 p.m.

14  
15 **1. Public Comment.**

16 Mr. Allen requested a change in the agenda to discuss Development Review Board (DRB) procedures with Mr.  
17 Stevens present. Ms. McMains said the discussion could occur during the work session with the DRB that is on  
18 the agenda later. She noted that no action would be taken during the work session. The Selectboard discussed  
19 the timing. Mr. Allen explained concerns about a proposed development impacting the Jericho Water District's  
20 well head protection area. He said he brought the issue up to the DRB and at their next committee meeting they  
21 sent a letter to articulate the concerns, noting that some neighbors sent letters too. He stated he learned the  
22 communication was intercepted due to a technicality and they may need to resubmit that letter at a formal  
23 hearing, which concerns them since they went to the trouble and it didn't get to the DRB.  
24

25 Ms. McMains explained it is a timing issue, discussing the sketch plan review process. She stated concerns need  
26 to be raised at the formal hearing to be acted on. Mr. Allen said the zoning regulations and State law allow for a  
27 recess period, similar to court hearings, to receive additional information. He explained the reasoning for a  
28 recess period. He proposed allowing a window of opportunity for people to submit information with a recess.  
29 Ms. McMains stated there is an opportunity at the formal hearing. Mr. Allen discussed his suggestion further.  
30

31 Ms. Murray discussed her conversation with Mr. Allen and the procedure for handling written communication  
32 following a sketch plan review hearing. She also discussed participation in the hearing if an application is made.  
33 She said she cannot send the letters to the DRB until there is a new hearing. Mr. Allen said that is his point, they  
34 closed the hearing. Ms. McMains discussed the sketch plan review process. Mr. Allen explained their concerns  
35 about missing the opportunity to submit information. The Selectboard, Ms. Murray and Mr. Allen discussed how  
36 the information is submitted to the DRB.  
37

38 Mr. Allen suggested allowing a thirty day period after the real review happens. Ms. Murray explained it is a  
39 problem to take testimony after the hearing because the developer doesn't get an opportunity to read the  
40 information and respond during an open meeting. Mr. Allen discussed an example. Ms. Murray, Mr. Allen and  
41 the Selectboard discussed the matter further. The Selectboard agreed to discuss the matter with the DRB and  
42 the Jericho Planning Commission (JPC) during the work session.  
43

44 **2. Acceptance of Sheriffs/State Police Contracts for Fiscal Year 2015 (FY15).**

45 Ms. McMains said at Town Meeting the budget included \$117,000 for police coverage: 10 hours a week for the  
46 Vermont State Police (VSP) and 40 hours a week for the Chittenden County Sheriff's Department. She discussed  
47 the contracts received compared to the budgeted amounts, noting the VSP contract would be \$8,970 over  
48 budget because they are asking for \$66 an hour. She said the Selectboard needs to discuss whether to accept  
49 the VSP contract or amend it. The Selectboard discussed police coverage and the contracts, including services  
50 covered and criminal activity in the area.

On a motion by Ms. Mercer, seconded by Mr. Nulty, the Selectboard approved the proposed contract with the Chittenden County Sheriff Department for traffic enforcement in Fiscal Year 2015 and accepted the contract with the Vermont State Police not to exceed \$30,000. The motion passed 3-0.

**3. Approve Request to Cater, Malt, Liquor License for Bevo LLC.**

The Selectboard discussed the application, the form used, and how to proceed.

On a motion by Mr. Nulty, seconded by Ms. Mercer, the Selectboard approved a Request to Cater, Malt, Liquor License for Bevo LLC. The motion passed 3-0.

**4. Work Session with JPC and DRB - Land Use and Development Regulations.**

The members of the Selectboard, the Jericho Planning Commission, and the Development Review Board in attendance introduced themselves. The following members were present: Catherine McMains, Tim Nulty, and Kim Mercer from the Selectboard; Don Foote, Jon Willard, Samantha Dunn, Peter Booth, and Matt Zambarano from the JPC; and Barry King, Wayne Hendee, Joseph Flynn, and Stephanie Hamilton from the DRB.

Ms. McMains gave an updates that there are two new smart growth rules, H809 and H823. She discussed both and the impact they will have. She stated the Regional Planning Commission (RPC) has accepted the Climate Action Plan. Ms. McMains said there is a section about municipal strategies and adaptations, which we will try to incorporate into the Town Plan and the zoning regulations. She discussed the recent RPC meeting, noting gravel roads are second to agriculture for phosphorous runoff. She discussed the implications.

Ms. Dunn said that aligns with the mitigation adaptation strategies. Ms. McMains agreed, discussing concerns and the impact to towns. Mr. Nulty asked for clarification about the concern. Ms. McMains discussed phosphorous contained in gravel roads. Mr. Flynn asked about the reason. Ms. McMains explained the background. Mr. Nulty asked if there are studies to support that. Ms. McMains said we will find out. Mr. Flynn clarified the recommendation is for rock lined ditches. Ms. McMains agreed and discussed the matter further. Mr. Flynn discussed treatments for stormwater, noting what slows and what increases flow.

Ms. Mercer asked if everyone knows the reason for the work session. Ms. McMains explained that it is useful to meet with the planning related commissions annually. She said there have been questions about Form-based Code, which is a Town project. She said she expects a presentation in July. Ms. McMains gave an update on Form-based Code and discussed examples of other towns that are using it. She said we will need to review the major document and see if it makes sense, but we can't fine tune it.

Mr. Foote clarified there will be a presentation sometime in July. He asked what the process would be following that meeting. Mr. Nulty said yes, but they haven't figured it out yet. He discussed Form-based Code further. He asked the others what they think about this new concept. Ms. McMains noted it should be ready to implement, that was what we are paying the consultant to do. Mr. Nulty said we will have a picture and the code that will go with it, which is different than the way we have done it in the past. Mr. Foote suggested a discussion following the presentation to determine how to proceed.

Ms. Dunn said she envisioned reviewing the code to see how it aligns with the Town Plan and identifying anything jarring. Mr. Nulty and Ms. McMains agreed. Ms. Dunn said ideally, this will be easier to align with the Town Plan. She stated she is excited to read it and for it to inform our discussions. She said perhaps there will be pieces that could help us address these other areas. The Selectboard and the JPC discussed their impressions about Form-based Code, including an example.

Mr. Zambarano asked Ms. Murray how she envisions it. Ms. Murray stated she has spent a lot of time with the code. She discussed the three components and the expertise of the people involved. She explained the vision is

101 based on a five day public process. Ms. Murray said the big role for the JPC will be to look at the vision and see if  
102 it is appropriate for the Town. Mr. Flynn asked if the enforcement and the interpretation of it will be easier for  
103 the DRB to avoid grey areas. Ms. Murray said it is supposed to be easier than conditional use reviews, with less  
104 room for interpretation. She stated that is good for the DRB, the developers, and the community. Mr. Nulty said  
105 the role is to be comfortable with the vision and to modify it, if appropriate.

106  
107 Ms. McMains discussed the Dollar General issue, noting the Selectboard wrote a post-trial brief, but it was not  
108 reflective of the DRB. She said that was another reason for the meeting. Mr. Nulty asked to hear thoughts on  
109 the Commercial District, which was the core of the issue with Dollar General. He said there are anomalies in the  
110 documents and no criticism of the DRB is intended. He discussed the role of the Selectboard. Mr. Nulty stated  
111 the JPC is in process of reconsidering the regulations, so it would be good if the anomalies are ironed out.

112  
113 Mr. Willard asked for a specific list of these anomalies. Mr. Nulty said in general a store of over 3,000 square feet  
114 in the zoning regulations as conditional use is not forbidden, but everything in the Town Plan implies it is  
115 discouraged outside the village centers unless it would be inappropriate or improper. He stated the zoning  
116 regulations explicitly references the Town Plan, which makes it part of the regulations. He discussed an example.  
117 Mr. Nulty said it should be clearer, noting the regulations have been adopted over many years and many  
118 versions. He discussed the matter further.

119  
120 Ms. McMains asked about the vision for the Commercial District. Mr. Zambarano said the JPC has discussed  
121 whether to allow retail in the Commercial District or not, but it sounds like there should not be any retail in the  
122 Commercial District. Mr. Nulty clarified unless it cannot be put in the Village Center, which is clear in the Town  
123 Plan. Mr. Zambarano clarified whether 3,000 square feet would be appropriate in the village centers. Mr. Nulty  
124 and Ms. McMains agreed it would.

125  
126 Mr. Nulty said Form-based Code allows a Dollar General as long as it looks nice. He said some people do care  
127 which kind of retail, but the Selectboard as a body does not. He stated they do not have a problem with Dollar  
128 General; they don't want strip development on Route 15. Ms. McMains and Mr. Nulty discussed the matter  
129 further.

130  
131 Mr. Flynn clarified whether the view of the Selectboard regarding the Dollar General was born from organized  
132 opposition. Mr. Nulty stated the Selectboard is not opposed to a Dollar General in the Town of Jericho, but some  
133 people don't want that. He said we have a Town Plan, with an orderly vision about how this Town should grow,  
134 not about particular stores; it is about where things happen and how. Mr. Flynn asked if they could have made  
135 their determination without public intervention. Mr. Nulty said they were remiss for not intervening sooner. He  
136 discussed the reasoning further.

137  
138 Ms. McMains stated there were a huge amount of people who sent emails saying "no Dollar General". Mr. Nulty  
139 said the majority of the Town feels there shouldn't be strip development, but Dollar General could go either way.  
140 Mr. Willard asked for a definition of strip development. Mr. Nulty said there is a definition in the regulations. He  
141 discussed what is meant, noting the Dollar General project met all of the criteria. Mr. Willard said there is strip  
142 development all along Route 15. The Selectboard discussed the matter further.

143  
144 Mr. Zambarano asked, from a planning perspective, about the vision for retail. Mr. Nulty stated retail  
145 development should be in the centers; clusters of retail in places where people live and can walk to. Mr.  
146 Zambarano asked about residential; whether it would fit with the Town Plan to be in the Commercial District.  
147 Mr. Nulty said it speaks to that as well. He said it would not be dense there, but it doesn't forbid it. Ms.  
148 McMains said there is a history about why some residential is there, noting it can drive out the commerce.  
149

150 Mr. Zambarano asked about the planning perspective developing things going forward. Mr. Nulty said  
151 commercial growth is concentrated in village centers, together with a critical mass of dense housing, which  
152 creates a town center we all like when we see them. Mr. Zambarano discussed different commercial activities.  
153

154 Mr. Villeneuve said the way this court case was handled by the Selectboard was improper. He said the  
155 Selectboard should have sent a representative when it started and should have been involved throughout the  
156 process. Mr. Nulty said they were technically unable to because in order to formally take a position they had to  
157 hold an open meeting, discuss it, and take a position.  
158

159 Mr. Villeneuve clarified he meant when this started and there was an appeal to the DRB decision, the Town  
160 became a party to the whole proceeding and they should have been more involved. He discussed what did  
161 occur. He stated he is not concerned about what is written; he is concerned about the process. Mr. Villeneuve  
162 said when the Selectboard got involved, they should have heard all of the sides; noting the DRB is the arm of the  
163 Town that held the hearings. He said the Selectboard came to a position about how they read the Town Plan and  
164 regulations and he disagrees. He said, to look at this correctly, the Selectboard should have gone to the DRB to  
165 hear what they did and why; not just hear one side.  
166

167 Mr. Villeneuve said they had a chance to listen in court, but the Selectboard decided they are the court and  
168 decided without hearing all of the evidence. Ms. Mercer said they did not; they submitted a post-trial brief. Mr.  
169 Villeneuve discussed his concerns with the procedure and the fact that not all of the sides were heard. He stated  
170 it was wrong to write the brief without knowing all the facts. He said the Table of Uses says retail space is  
171 allowed; noting the lawyers from Dollar General reviewed the regulations. Mr. Villeneuve said that is not the  
172 point; the process was not right.  
173

174 Mr. Villeneuve addressed strip zoning, saying he owns a lot up there and in the Village District. He said he wants  
175 to operate and work with the Town. He stated there is a misconception that is strip zoning by the hardware and  
176 pizza place; that we will line businesses up there. Mr. Villeneuve said he talked to the Town about the curb cut  
177 laid out for Dollar General which was moved to split the lot so that it would feed the other lots for future  
178 development. He discussed how it could work. He stated he has not gotten any cooperation from the Town  
179 about the road problems.  
180

181 Mr. Villeneuve said he doesn't think it is strip zoning. He discussed the Commercial District further, stating he  
182 knows the district as well as anyone in this Town. He discussed court cases. Mr. Villeneuve said the fact is that  
183 Dollar General has a right to be there, it is in the Table of Uses. He said they mishandled it. He stated he wants  
184 to cooperate with the Town, noting his efforts to talk with Selectboard members. Mr. Villeneuve said they didn't  
185 get involved and it was not fair to him or the DRB.  
186

187 Mr. Hendee said it was mentioned that we want to keep business in the village centers, but he doesn't see much  
188 space. He said sooner or later it will expand out. Mr. Nulty said there is room in the flats area. Ms. McMains  
189 agreed the other centers don't have much opportunity other than adaptive reuse. She discussed designated  
190 growth centers, noting efforts are being made to keep rural between growth centers. Mr. Hendee asked about  
191 more comprehensive build plans. Ms. McMains said that is a benefit of master planning. The Selectboard  
192 discussed examples of businesses. Mr. King asked if Form-based Code has all of that in it. The Selectboard  
193 clarified the code is for the flats area, but if it works it could be expanded.  
194

195 Mr. Allen discussed the concern he raised earlier during public comment. He said he doesn't know what the  
196 judge has decided, noting he has interested party status to the proceeding and has read all of the documents the  
197 lawyers put together. He stated the documents are compelling and include case law that the Town Plan doesn't  
198 matter if it is not in the zoning regulations specifically. Mr. Allen said it is a quandary if the DRB has to consider

199 the Town Plan also. Ms. McMains agreed, noting that is one of the reasons for the work session. Mr. Nulty-  
200 discussed the matter further.

201  
202 Mr. Allen said the Atwood development would affect the Foothills development. He discussed how the  
203 neighbors and water district participated in the hearing and submitted letters after the hearing. He also  
204 discussed the DRB process for sketch review and design review. Mr. Allen said he read the regulations and the  
205 law and there is an opportunity available; instead of closing the hearing, the DRB could recess for a period of  
206 time to allow additional documents be submitted. He suggested a recess at sketch and design reviews,  
207 discussing the timing of meetings for the water district committee and the importance of information provided  
208 after the hearing. He asked the DRB to implement a policy or practice to consistently allow a period of time  
209 before deliberations start, discussing the role timing plays in the appeal process.

210  
211 Mr. King responded that the structure of sketch plan review, like other proceedings, is warned in advance for  
212 participation. He stated it doesn't require deliberation, further evidence, or a decision; the hearing ends when it  
213 is closed. Mr. Allen said the public is a concerned party and asked how many times they have to come back. He  
214 discussed participation. Mr. King explained that participation at sketch plan review can be in writing. He  
215 discussed rules of evidence and participation. He said if an application is made to build something similar to  
216 what was presented at sketch plan review the abutters would be warned; if they are unable to participate  
217 completely at the hearing, they can come and request a recess to a date certain. He said that happens often.

218  
219 Mr. King discussed examples. He said the DRB can decide to adjourn to a date certain, leaving the hearing open  
220 and can take testimony. He responded to the suggestion about providing evidence after the fact, which is not  
221 allowed because it would be ex parte communication. Mr. King discussed the purpose of continuing a hearing.  
222 He said the reason is that it allows another public hearing, so the information can be heard and commented on  
223 by all parties. He discussed the opportunities for participation in the DRB's process.

224  
225 Mr. Stevens asked if that opportunity to request a recess is in the regulations. Mr. King said yes. Mr. Allen and  
226 Mr. King discussed the matter further, including how to participate in a hearing. Mr. King said the DRB routinely  
227 brings in information from sketch plan at the design hearing. He said to ensure comments are included in  
228 deliberation people should participate in the hearing, noting they maintain a physical file. Mr. Allen asked if the  
229 file is part of the deliberations. Mr. King said it is. Mr. King and Ms. Murray discussed how the information is  
230 entered into the record. Mr. King said a letter submitted for sketch plan review might be irrelevant when an  
231 actual proposal is submitted. He said the purpose of sketch plan review is different than a hearing.

232  
233 Mr. Bartlett said during the Dollar General hearing there was a lot of talk about the building interfering with the  
234 view of the cemetery. He noted there is one across the road that is 95% blocked. Mr. Nulty clarified that if  
235 someone doesn't have time to prepare a letter for an actual hearing, they can come and request a continuance.  
236 Mr. King agreed, noting the DRB would vote whether or not to continue the hearing at a later date. Ms. Murray  
237 stated the point lost is that if something is brought up in a hearing once, it is in the record, but it can be brought  
238 up multiple times. Mr. King agreed, saying sometimes multiple people have the same concern. Mr. King and Ms.  
239 Murray discussed the matter further. Ms. Murray stated the DRB can only stipulate conditions for items in the  
240 regulations, discussing an example.

241  
242 Mr. Nulty asked about the Commercial District. Mr. Foote said the JPC has been talking about it, noting they  
243 have been trying to update the districts, but have been having difficulty with the district lines. He said they  
244 recently tried a different approach, looking district by district at the definitions and what is happening there. He  
245 stated the JPC chose the Commercial District first, noting the definition has two parts: those not compatible with  
246 the village center and job creation. Mr. Foote discussed the definition compared to what is in the district. He  
247 said they have been discussing what can be done to tighten it up and protect against cannibalization of the  
248 growth the Town Plan says should go in the growth centers. He said they also looked at other towns.

249 Mr. Foote discussed how other towns have approached development and limiting sprawl. He noted most towns  
250 have one Village Center, but Jericho has three. He discussed the uses in the Commercial District, noting it could  
251 become a fourth village center, which is not what we want. Mr. Foote discussed some of the questions the JPC is  
252 considering while working on this project. Mr. Nulty asked if they had considered an industrial park.

253  
254 Mr. Foote discussed other considerations the JPC has been looking at; noting one is whether the Town could  
255 have more than one Commercial District. He said there may be another area in Town that is more appropriate  
256 for heavy manufacturing or industrial activity. He discussed some possibilities. Mr. Foote said the benefits  
257 would be tax base and job creation. He said it is not an easy thing since we don't know what we want as a Town.  
258 He said often we talk about what we don't want, instead of promoting what we do want.

259  
260 Mr. Zambarano said what is interesting is that all other suggestions were for retail in the same spot, just not that  
261 retail on Front Porch Forum. Mr. Nulty and Ms. McMains agreed. Mr. Flynn said it is a tough state to do business  
262 in with the permitting and the costs. He said a lot of times growth happens slowly, discussing an example. He  
263 stated sometimes something appears to be strip development at first, but there is a vision of other aspects that  
264 might take additional time to build.

265  
266 Mr. Willard asked if they were to design a village, how they would do it. A discussion about how to design and  
267 build the Town ensued. Ms. Dunn stated the JPC has discussed master planning. She said getting the Form-  
268 based Code and understanding it may provide something that will help. Mr. Zambarano added the JPC has  
269 discussed the fact that we may not like a fourth Village Center, but it is being created. He said he is not  
270 advocating one way or another, but that is what is happening. He asked whether it is a village center or a retail  
271 center. They discussed the matter further.

272  
273 Mr. Villeneuve stated there is no question that he owns a good part of a village center and a good part of the  
274 Commercial District. He said he has tried to cooperate with the Town. He thanked the Town for the one good  
275 thing that is going on, Form-based Code. Mr. Villeneuve said he has offered the Town and everyone an  
276 opportunity to work with him to build what they want, rather than going to court. He said he has never been  
277 approached. He offered one last time to work to meet the Town's needs.

278  
279 Ms. Murray said that would fit into the current conversation about access management. She said we struggle  
280 with what is meant by strip development. She discussed strip development. Ms. Murray said the conditions of  
281 approval contained those things, so the definition needs to be expanded if what they are doing is unsuitable.  
282 She stated Mr. Villeneuve could really help the Town with access management and new design standards. She  
283 discussed some considerations. Mr. Nulty and Ms. McMains agreed. Ms. Murray suggested the topics for the  
284 next grant application.

285  
286 Mr. Foote said he is glad Ms. Murray had a chance to say that. He said the JPC has been focusing on this  
287 specifically and it is an incredibly important part of the Town. He said they are looking into an Access  
288 Management Plan. Mr. Foote discussed what is being considered and the next steps. He also discussed what the  
289 JPC is looking at and considering trying to put regulations in place to drive the development. He said the JPC  
290 members, individually and as a group, are trying to balance the need to protect the character of the Town and to  
291 guide growth in the direction of the Town Plan and the need to put in regulations that don't create too many  
292 barriers to development. Mr. Foote said there needs to be opportunities for businesses and jobs here. Ms.  
293 Mercer agreed.

294  
295 Ms. McMains said the group needs to touch base more often. She asked the DRB if they have questions or  
296 problems the Selectboard or JPC need to address. Mr. Hendee said Mr. West was keeping a list. Mr. King agreed,  
297 noting the list is more detailed items. Ms. Murray noted the DRB and the JPC recently met to discuss those types  
298 of things.

299 Mr. King stated the recent experience has shown that it's not clear to what extent the aspirational statements in  
300 the Town Plan are intended to be part of the legislative part of the regulations. He said if in fact some part of the  
301 aspirational statements in the Plan ought to be criteria in development review, then that ought to be clear. He  
302 said the fact is that it is not clear that they are criteria and if that is the intent, it should be clear. Mr. King stated  
303 it cannot be arbitrary. He discussed the matter further, including examples. He said the regulations need to  
304 include specific criteria. Ms. McMains agreed. Mr. King and Ms. McMains discussed Form-based Code.  
305

306 Ms. Murray said the DRB will hear the remanded appeal of the LED sign next week. She stated there are no  
307 regulations that talk about LED signs, so it is a hard task ahead. She discussed the zoning regulations and  
308 possible ways to proceed with those present. Ms. Murray also discussed the process to approve the revisions to  
309 the regulations that the JPC is proposing. Mr. King stated the fact that this is coming back illuminates that these  
310 regulations need updating. He said there should be new regulations to inform a future process; noting any  
311 discussion of the particular case would be ex parte communication. Ms. Murray discussed how the process  
312 moves forward. The Selectboard asked staff and the JPC to provide additional information. Mr. King said he  
313 would like to be involved as a member of the public, noting he might have some insight since he designs LEDs.  
314 Mr. Booth suggested he attend the JPC meeting. Ms. Murray said staff can approach experts who live in Town.  
315  
316 The Selectboard thanked everyone.  
317

318 **5. Approve Minutes of 6/5/2014.**  
319 On a motion by Mr. Nulty, seconded by Ms. Mercer, **the Selectboard approved the minutes of 6/5/2014 as**  
320 **amended.** The motion passed 3-0.  
321

322 **6. Other Business.**  
323 Ms. McMains said the Selectboard will need to schedule some time to meet with the JPC about economic  
324 development. Mr. Nulty agreed, noting he likes some of the positive things they are thinking about.  
325

326 **7. Approve Warrants of 6/13/2014.**  
327 The Selectboard members signed the warrants.  
328

329 On a motion by Ms. Mercer, seconded by Mr. Nulty, **the Selectboard adjourned at 9:33 p.m.** The motion passed  
330 3-0.  
331

332 Respectfully Submitted, Amy Richardson